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William H. Rodgers, Jr.

Commissioners and Zealots

THE CIVIL WAR OVER SMUT

Jules Witcover

Medicare and Medicaid

COMMERCIALIZING THE AGED

Robert E. Burger

The Human Sciences

Norman N. Holland *on* R. D. Laing

Ronald Sampson *on* Freudian Revisionism

George Stade *on* Biological Alienation

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LETTERS

Lawyers for Vietnam

Toronto, Canada
Dear Sirs: The Lawyers Committee on American Policy Towards Vietnam has scheduled a conference on Vietnam, Laos and Cambodia, to be held at York University, Toronto, for the weekend of May 22-24. The conference will permit American and Canadian lawyers to meet and confer with high-ranking lawyers of North Vietnam and the NLF of South Vietnam for the first time since the commencement of this tragic war. Tran Cong Tuong, former Chief Justice of the Supreme Court of the D.R.V. and chief legal adviser of the Vietminh at the 1954 Geneva Accords and 1962 Geneva Conference on Laos, will head the North Vietnamese delegation. Reservations can be made by writing directly to the Lawyers Committee, York University, 4700 Keele Street, Downsview, Toronto, Canada. Room and meals per person for the entire weekend including banquet May 23, $25; room and three meals per person per day $10.50. Registration fee $10 (wives and students exempt). *Joseph Crown, Secretary-Treasurer*

Alaska and Kelso

Washington, D. C.
Dear Sirs: In "Louis Kelso: Nut or Newton?" by Robert G. Sherrill [*The Nation*, Mar. 2] Mr. Kelso is quoted as saying, with relation to the consideration due the Indians and Eskimos in the signing of Alaskan oil leases: "Give them stock in the companies, let them pay for the stock out of what the companies produce. Donald Dunlop, science adviser to the Secretary of the Interior, is fascinated by the proposal and is now negotiating this with the key oil companies up there."

I am not negotiating with the oil companies in question, but the other statements attributed to me are quite accurate. I am fascinated by the proposal, and I do see that it has the potential to solve some of the problems I see in our economic system. Mr. Kelso is a good friend with an ingenious idea. I hope that the debate which is now going on about its merits and demerits will be helpful in establishing its true potential for our society.
Donald D. Dunlop

no such study

Santa Monica, Calif.
Dear Sirs: Your editorial "Infrastructure of Repression" [Apr. 27] refers to an erroneous press report issued from Washington, D.C., on April 5 stating that the RAND Corporation apparently has undertaken a secret study for the White House involving the possibility of disruption of the 1972 national election. Mr. Henry S. Rowen, president of RAND, has issued this statement: "The RAND Corporation has not undertaken such a study. It does not contemplate making such a study. Nor has it been approached by anyone with a proposal for such a study."
Paul Weeks, The RAND Corporation

The source of *The Nation*'s information was a news report from the Washington bureau of the Portland *Oregonian*, as paraphrased and commented upon by the Seattle *Post-Intelligencer*. *The Editors*

The Nation to Africa

Boston, Mass.
Dear Sirs: For some time now, about once a month, I have been sending my completed copies of *The Nation* to the following: St. Leo's College (American Brothers), Box 24, Fort Portal, Uganda, East Africa. Att: Headmaster. I can no longer continue this service and would be glad if someone else would undertake it. *MKP*

EDITORIALS

The Cambodian Catch

The President's decision to widen the war by supporting the South Vietnamese foray into Cambodia is being billed as "a limited action," designed to protect his "Vietnamization" policy by eliminating the North Vietnamese sanctuaries just inside the Cambodian border. But there is an obvious catch in this almost breezy explanation of a decision that carries such ominous overtones. In war "limited actions" can turn out to be unlimited commitments, depending on whether they succeed or not, and how fast, and how the enemy responds. The first announcement said that U.S. assistance to this operation would consist of "advisers, tactical air strikes, medical evacuation and some logistics assistance." Given the Pentagon's penchant for broad interpretations, this terse announcement would be enough to open the door to a wide range of military aid. But the statement was "elaborated slightly" in a matter of hours to include "helicopters and artillery support," and the next night the President went on the air to announce that combat troops had entered Cambodia. A little aid, then more aid, then combat troops—it is incredible that this Administration, after surveying the record of how we became involved in South Vietnam, should walk into the same trap in Laos and Cambodia. But Mr. Nixon, it would seem, is committed to Vietnamization, which is endangered by recent developments in Laos and Cambodia. Trapped by the pseudo-logic of that position, he attempted to offset the political hazards of once again extending the theatre of war by offering his own future as a sacrifice. Cornered, he proves himself a desperate gambler—with peace and American honor.

There is nothing "limited" about the gamble Full-scale involvement in a war in South Asia risks not merely the danger of a confrontation with China but could tempt the Russians to heighten tensions in the Middle East. The Chinese have stepped up their insurgency activities in Thailand by training Thais who, Jack Foisie reports, "display discipline well-planned tactics and effective use of weapons including anti-aircraft defense." An angry Senate threatens to take action, but the President justifies what he has done on the ground that he has acted to protect the security of U. S. forces in Vietnam. And

Coming Next Week

THE WIRED NATION
Ralph Lee Smith

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even if the legislators pass their resolutions, it does not mean that he or the Pentagon will respect them. If he persists—if he involves this country in a full-scale war in Indo-China, including Thailand, without a declaration of war—he will invite impeachment. That is the ultimate remedy when power becomes the sole determinant.

The Chappaquiddick Tragedy

The Chappaquiddick tragedy rolls on, installment after installment, and the end is not yet. All of the legal and public relations stratagems pursued by Senator Kennedy and his advisers to soften the impact of the investigation—to induce a measure of public forgetfulness through lapse of time—have served only to keep the tragedy in the news. Now, whetted by nearly a year's anticipation, public attention is sharply focused on the transcript and Judge Boyle's report.

Better that it had all been disclosed last summer, with press and public in attendance if need be. Senator Kennedy's advisers succeeded in avoiding an open public investigation but the result has been to fasten a shadow of doubt on him that he cannot remove. Nearly every hazard had been by-passed but there, in the end, was Judge James A. Boyle, whose shrewd and penetrating summation gains weight from its obvious fairness and detachment. And so it stands, all the testimony recorded if not publicly ventilated, and still doubt persists. The public writes its own script in all such matters; it will believe what it will believe. And the public—the enlarged jury—will no doubt pardon Senator Kennedy, on the assumption that he has suffered enough, for whatever it was that he did or failed to do.

The Recognition Factor

The President and his chief Southern strategist, John Mitchell, have been looking forward to a Republican November, when they would pick up a batch of Republican seats in the Senate. Florida, in particular, looked like a sure thing. Mr. Nixon had done a buttering-up job with school desegregation, and when the Senate turned down Judge Carswell for the Supreme Court he seized the opportunity to picture the South as the nation's stepchild, whose only hope lay in the GOP. To clinch the matter, Mr. Nixon had a Senatorial candidate who, it seemed, could hardly miss: Rep. William C. (Bill) Cramer. "Bill" Cramer is the way he refers to himself in the *Congressional Guide*. Note, then, Bill's credentials:

First elected in 1952 as the first Republican from Florida since 1875;

Fourteen years in the House;

Ranking Republican on the potent Public Works Committee; Florida has got more than its share of the pork, and Bill has collected IOUs from all over the state;

Ranking Republican on the Roads Subcommittee and Federal Aid Highway Investigating Committee;

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The Nation is published weekly (except biweekly in July, the first biweekly period in August and the last biweekly period in December) by the Nation Company and copyright 1970 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N.Y. 10014. Tel: CH 2-8400. West Coast office. 825 South Barrington Avenue, Los Angeles, Calif. 90049. Second class postage paid at New York, N.Y. and at additional mailing office. **Address all manuscripts and editorial correspondence to the New York office.**

Subscription Price: One year, $10; two years, $18. Add $1 per year postage for Canada and Mexico; $2 other foreign.

Change of Address: It is essential that subscribers ordering a change of address give five weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

NATION

Volume 210
No. 18

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Member joint House-Senate GOP leadership conference;
Republican national committeeman from Florida since 1964;
Member Republican Policy Committee.

This by no means exhausts the list of posts in which Cramer has served his party, but it will serve to explain why Nixon called him to the White House and told him that the people, the party and the Senate needed him, and that he, the President, would be behind him all the way.

The Presidential planning was perfect except for one thing: the recognition factor, which operates in favor of anyone who gets into the headlines in a big way, provided only it is not for being caught with his hand in the till or for molesting children. Judge G. Harrold Carswell achieved national prominence in a most respectable cause. A good loser, he resolved publicly to continue to serve on the Fifth Circuit Court of Appeals: he would retire into the obscurity whence he came.

But if the President failed to reckon with the recognition factor, the Republican Governor of Florida did not. No love is lost between Claude Kirk and Richard Nixon, nor between Kirk and Cramer. Thus the idea occurred to the Governor that Carswell, fresh from martyrdom in the headlines, would be a "dream candidate"—and incidentally would show Cramer and Nixon who was boss in Florida. Carswell concurred; he knew the value of the recognition factor. "One thing's for sure," he said, "everybody knows my name. I'm a household word, just like Coca-Cola."

Whether the Florida voters will choose Cramer or Carswell in the primary is uncertain. The segregationists among them will be torn between Carswell's 1948 statement declaring his "firm, vigorous belief in the principles of white supremacy" and his 1970 repudiation of that belief as "obnoxious and abhorrent." Judge Carswell takes his stand as a conservative and strict constructionist, but Representative Cramer is all of that and his record shows it. The President must be torn too, and embarrassed as well. Neutrality seems to be his only refuge, but Cramer has publicly reminded him of his promised support.

A somewhat similar situation has marred Republican expectations of victory in Tennessee. There the Republicans seemed lined up behind Rep. William E. Brock, who has represented the 3rd Congressional District for several terms. But then the sound of country music was heard across the state, and Tex Ritter came forward to do battle. He too aspires to the Senate, and the recognition factor is in his favor. Party regulars like Cramer and Brock may be at a disadvantage when drama takes over.

It is perfectly possible that, whether it is Carswell or Cramer, Ritter or Brock, the GOP will pick up the two Senate seats involved. What is certain is that the recognition factor cannot be discounted in today's politics. It is also certain that Republican blood will flow in the primaries, with possible resulting benefit to the Democrats in November.

Military Discipline

John Laurence of CBS TV News was with Charlie Company of the First Cavalry in War Zone C early in April. He did a pickup on an argument between the new CO, Captain Rice, and the men. Rice wanted the soldiers to proceed down a road with jungle on either side. The men objected referring to it as a "shooting gallery," and a "suicide walk." The argument was resolved by the company moving in the opposite direction, where a clearing was made so that helicopters could come in and pick the men up.

Laurence did a follow-up about a week later. A member of the company known as "The Killer" said that a dead gook meant nothing to him. The medic, a nice-looking young man conceded by the company to have "all kinds of guts," said he didn't know what he would do if he were ordered to kill in this war. If he did it he thought he would go insane worrying about it later.

The camera moved to a soldier named Glen Hindley, a gun squad leader who wore a peace insignia on a chain around his neck. Looking straight into the camera, Hindley said he had not fired a gun since he had been in South Vietnam and had no intention of doing so. He said that if he survives his tour of duty he intends to travel around the United States telling people that "killing for peace doesn't make sense."

The Navy has been busy with a dissident of its own. Seaman Roger Lee Priest was court-martialed on charges of encouraging desertion and sedition, impairing discipline and promoting disloyalty by publishing an anti-war newspaper. At Priest's trial Mrs. Winifred D. Cockfield, though a prosecution witness, said that she considered the Indo-Chinese war a "terrible mistake" on the part of the United States and had distributed copies of Priest's newsletter at an Army commissary in Arlington, Va. Mrs. Cockfield is the wife of the skipper of the nuclear submarine *Nautilus*, and the daughter of a retired admiral.

Witnesses for Seaman Priest included former Sen. Ernest Gruening and two other long-time critics of the war, Gen. David Shoup, former commandant of the Marine Corps, and Rear Adm. Arnold E. True. The court refused to hear their views on the war, but Mr. Gruening characterized it as a "ghastly fiasco" before he was shut up. Priest got off with a bad-conduct discharge.

In a war which has plumbed the depths of depravity and disgraced the flag, the attitude of a minority in the services—a lonely and minuscule minority—has been a striking and redeeming factor.

El Columpio

In May of 1957, Colombia held an impromptu national celebration. General Rojas Pinilla, *El Excelentísimo Señor Presidente y Jefe Supremo*, was on that day overthrown and had left the country at dawn. By 10 A.M. parades and motorcades streamed

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through the streets of Bogotá, Medellin, Cali and other major cities, shouting the day's joyful slogan: *"Subio como palma, bajo como coco!"* ("Up like the palm, down like the coconut!") Rich and poor alike found the chasm between them bridged by a shared delight.

Thirteen years later, when the votes were finally counted on April 26, General Rojas had very nearly been returned to power. He lost to the official candidate of the National Front, Misael Pastrana, by a mere 66,000 out of more than 3 million ballots cast. It was an unexpected swing of *el columpio*, the seesaw.

The National Front, which had governed Colombia during the interim, had been formed by an accord between the two major parties, Liberal and Conservative, shortly after the expulsion of Rojas, and ratified later that year by constitutional plebiscite. Under its provisions the government would alternate between the two parties every four years, and each would have equal representation in Senate and Congress. While the record of successive administrations has been uneven, visible social and economic progress has been made under the incumbent president, Carlos Lleras Restrepo. Government has been honest, compulsory education extended, inflation brought under control, the GNP increased 7 per cent annually, all without increase in taxes. Even *"La Violencia"* has been leashed. Violence dogged and bled the country for many years, following the horrifying *"bogotázo"* caused by the assassination of unsuccessful leftist liberal candidate Jorge Gaitán in 1948, which claimed some 200,000 lives. Why then did the *columpio* so nearly swing in Rojas' favor?

The General, a wealthy rancher, nevertheless directed a demagogic campaign toward the poor and the unemployed. But he completely lacks the magnetism of a Castro or a Huey Long and his campaign style at the age of 70 is best described as dull. His opponents referred to him as a clown. Much of his support may be ascribed to the tireless efforts of his daughter María Eugenia, an electric 37-year-old Senator with the talents, though not the looks, of Eva Perón. But quite possibly the principal reason for his resurgence is that memories are short and the voters young and impatient with the rather deliberate pace of the past four years.

Rojas has predictably cried "foul," claimed he was robbed of the election, threatened revolution, and was placed with his family under house arrest. Under the constitution, votes must be counted not once but four consecutive times; this will doubtless preoccupy the country until midsummer. It is entirely possible that an honest recount might swing the *columpio* all the way for Rojas. It is even possible that this indefatigable man, with a vigorous assist from his daughter, will lead his legions into another *bogotázo*. For some time, this fourth largest Latin country, the only sizable one with a democratic form of government, will be balanced on a seesaw. The inauguration is scheduled for August. It is a long time to hold one's breath.

Paisley in Parliament

Belfast

The success of Ian K. Paisley and of his colleague William Beattie in two by-elections for the Stormont Parliament on April 16 could mean the more or less swift breakup of the ruling Unionist Party and the beginning of another summer of rioting and mayhem in Northern Ireland. Paisley is already demanding the resignation of James Chichester-Clark, the Ulster Premier who succeeded the defeated Terence O'Neill last year. Paisley's fellow travelers on the right wing of the Unionist Party, notably those who were expelled from the Parliamentary Unionist Party in March for resisting reforms, are asking for a general election. Paisley is confident that his Protestant Unionist Party would surge to victory.

The policies on which the Paisley party fought the by-elections were purely negative. They had nothing to say about the economic future of Northern Ireland, about communal harmony or about the growing plight of the Belfast shipyards where the jobs of 10,000 men are threatened. But they did demand the immediate return of the gun to Ulster politics—the remobilization of the B Special Constabulary, the rearming of the Royal Ulster Constabulary and the withdrawal of the British Army under General Sir Ian Freeland from Northern Ireland. Moreover, the Paisley policy is the policy of the right-wing Unionists, so the success of the Paisleyites will encourage these irreconcilables, embolden those Unionists who are cold to reform but too weak in personality to risk an open breach with the government. There will be a split in the Unionist Party. Already, in fact, there is talk of a three-way split. The more liberal Unionists may join the New Ulster Movement, whose candidate did encouragingly well in one of the by-elections, and from this alliance could come a new kind of Unionist Party. The orthodox Unionists will remain a little while with Chichester-Clark; the right wing will move swiftly to the side of Paisley. All this threatens a complete collapse of government in Northern Ireland.

The role of the British Government and Parliament has been far from satisfactory. James Callaghan, the British Home Secretary, thinks that the reforms he suggested to Stormont last October are sufficient to insure peace. These reforms may go through the Stormont Parliament but they have to be put into practice. That is the danger point. Otherwise, Callaghan is content to leave law and order to General Freeland and his soldiers, and the General has quite realistically warned that the troops will not be available forever. What he meant was that sooner or later there will have to be a political solution.

There are several things that Britain might do, though every one of them, it must be admitted, is full of dangers. There could, for example, be direct rule from Westminster. And this solution, though it was on one occasion suggested by the British Tory Enoch Powell, would be welcomed by the great majority of law-abiding Catholics and Protestants in Northern Ireland. It would be resisted by the Paisley-

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ites who, Britain seems to fear, would rise in rebellion.

Second, Chichester-Clark might be induced to form a coalition government which would include Labour, Nationalist, Independent and Republican-Labour members. This would also infuriate the Paisleyites and incite them to rebellion. Of course once they were in rebellion they could be dealt with. Britain seems not to realize that. It allows a truculent minority to hold the United Kingdom to ransom.

The third possibility is that Britain might enter into negotiations with the Republic of Ireland for the purpose of ending partition once and for all time. But the British are unlikely to do this because, in the first place, they do not know what kind of country a united Ireland might become and, in the second place, because Dublin shows little zeal for union.

The fourth solution would be to leave Northern Ireland to deal with its own problems, which is what Britain had been trying to do since 1920. In that case the Catholic minority would again be sacrificed, Ulster would become Fascist, and there would be the most cruel civil war ever experienced in Ireland's history.

Andrew Boyd

COMMISSIONERS AND ZEALOTS

CIVIL WAR OVER SMUT

JULES WITCOVER

Mr. Witcover is a member of the Washington bureau of the Los Angeles Times. *He is the author of* 85 Days: The Last Campaign of Robert Kennedy *(Putnam) and* The Resurrection of Richard Nixon, *to be published by Putnam in June.*

Washington

In October 1967, the crusaders against pornography won a major battle when Congress created a special Presidential Commission on Obscenity and Pornography. Its job was to investigate the "gravity" of the pornography traffic "and to determine whether such materials are harmful to the public, and particularly to minors, and whether more effective methods should be devised to control the transmission of such materials." Today, after the eighteen-member commission has spent nearly $2 million in a super-secret inquiry into the whole sensitive field, these same crusaders fear that they may have created a juggernaut of permissiveness that is about to run them down.

For about two years, the commission, headed by Dean William B. Lockhart of the University of Minnesota Law School, has sequestered itself from the emotional evangelism of the professional anti-pornographers—and from the prying eyes of press and public—to conduct the most extensive research into erotica and its effects ever undertaken. The Congressional mandate called for recommendations after a thorough study of "the causal relationship of such materials to anti-social behavior," and the commission has taken Congress at its word. The inquiry started from scratch, seeking first to answer the elusive question of just what constitutes obscenity and pornography, then moving on to an even more skittish question: What is "anti-social behavior" in an era of sexual revolution?

The very asking of this latter question sends visions of Sodom and Gomorrah shuddering through the heads of the anti-pornographers. They do not agree for an instant that smut is in the eye of the beholder, that what offends depends on the shifting whims of public morality. To them filth is filth, and they hold that Congress never intended to launch a mass psychoanalysis of the American society. Everybody knows what pornography is, they say, and the commission should get on with finding ways to stop its distribution.

What the anti-pornographers basically fear is that the commission's findings, due in August, will reflect the new sexual freedom in the country and will actually embrace a more permissive attitude toward the traffic in erotic materials, especially as it pertains to adults. They are concerned, in fact, that the report will challenge the denouncing as obscene and pornographic much of the printed material that until now has been almost automatically so regarded.

Because the commission has been able to keep its labors secret (its members voted a policy of strict "confidentiality" for all their studies and deliberations), the anti-pornographers have had trouble spreading the alarm and mobilizing their own considerable public army. About forty federal research contracts have been given to university professors, hospital and prison staff members, but all under the rules of secrecy observed by the commission itself. The research must be kept from public view, the commission argues, to assure cooperation and avoid personal embarrassment to those interrogated.

One member of the commission, Rev. Morton A. Hill, a Jesuit priest who heads an anti-pornography project in New York called "Morality in Media," wrote a strong dissenting view last July when the commission released its only public progress report to date. But the real bitterness of the dispute did not emerge until recent months, when politics began to enter the affairs of the commission.

The first vacancy in the Johnson-appointed commission occurred when President Nixon nominated one of the members, former Sen. Kenneth B. Keating of New York, as Ambassador to India. In his

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place, Mr. Nixon appointed Charles H. Keating, Jr. (no relation), a Cincinnati lawyer, a founder of Citizens for Decent Literature, Inc., and one of the nation's foremost crusaders against pornography. When the commission was first established—with Mr. Keating one of the prime lobbyists for it before Congress—his friends worked hard to get President Johnson to appoint him. But even the influence of the then Sen. Frank J. Lausche (D., Ohio), himself a prominent and outspoken anti-pornographer, was unavailing.

As Mr. Nixon's only appointee on the commission, Mr. Keating waded in with even more than his customary zeal. After taking a fast look at his new associates and their activities at his first meeting in August, he wrote to the President on September 17, warning him that unless he fired Chairman Lockhart and eleven other members, "your Administration will be tarred with the failure of a Presidential commission which you did not appoint and over which you have absolutely no control." He also wrote:

> I understand your Administration, of which I am an ardent supporter, to take the position that pornography and the pornographers must be stopped. The value and need for such a position requires no explanation, as the deluge of pornography has sickened and saddened every decent American. Mr. President, it is my duty to report to you that while the Presidential commission is an instrument which could very well effect your desires for a decent America, it is not, and with its present constituency, it cannot be.

All Mr. Keating got for his trouble was a cool reply from Presidential assistant Peter M. Flanigan assuring him that "the staffing of this Commission is receiving our continuing close attention." On January 10, Mr. Keating wrote again:

> . . . From the all-too-visible facts and circumstances of our magazine racks and motion picture screens, obscenity and pornography are wreaking havoc in our society. The only solution to the problem is in the courtrooms of the United States. A very important background to the future action of the courts is the work and conclusions of the Presidential commission. . . . I must insist to you, Mr. President, that unless immediate action is taken to terminate the current leadership [of the Commission] . . . the current activities and the ultimate report of the Commission will do much more harm than good in the fight against the pornographers. Inasmuch as it is a Presidential commission, I am concerned not only that the pornographers will have taken a giant step toward winning the war but that your Administration will receive the blame.

That one earned another flat reply, this time from special Presidential assistant Harry S. Flemming, that the President "appreciates your interest in making your views known" and that the suggestions "will be carefully reviewed." Again, nothing further happened.

Mr. Keating screams this way because he believes that the commission is stacked against crusaders like himself, and in favor of those who, while not advocates of pornography, are disinclined, for constitutional or even financial reasons, to urge firmer curbs. He and Father Hill make much of the associations of Dean Lockhart and the commission's general counsel, Paul Bender of Philadelphia, with the American Civil Liberties Union, which has opposed much anti-pornography legislation on the ground that it violates the free speech and free press guarantees of the First Amendment. Mr. Keating and Father Hill also point out that one member, Freeman Lewis, is a vice president of Simon & Schuster and that another, Barbara Scott, is a lawyer for the Motion Picture Association of America—both representing businesses that could feel the pinch of strict anti-pornography laws.

Unpurged by President Nixon, despite the clamor of Mr. Keating, the commission has been pressing forward with its research. Until it was established, the fight against "smut"—defined by Webster's Third New International Dictionary as material "in which a subject is treated in a manner violating accepted standards of decency"—had been waged largely on guesswork about what those "accepted standards" really were. Now for the first time, a major attempt is being made to define them, and to establish just what kinds of books, pictures, movies and various erotic materials really do offend them in 1970. Commission projects include:

¶ A nationwide survey of 3,000 persons in about

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150 cities and towns, inquiring about their experiences with erotica and their reaction to it.

¶ A comparison of the responses of sex offenders in prisons and hospitals to erotic materials with responses of other individuals of the same sex, socio-economic and ethnic backgrounds.

¶ Studies of sexual experiences among college students and exposure of high school students to objectionable materials.

¶ Examination of the characteristics of the habitual buyer and user of erotica, and how he first came to be exposed to such material.

¶ A study of the relationship between availability of pornography and sex crimes.

¶ Appraisal of the intensity of various erotic stimuli and the cumulative effects of large-scale exposure to them.

¶ Examination of potentially erotic stimuli associated with the dating experience of junior college girls and of unwed pregnant high schools girls.

¶ An investigation into the ways erotic materials are produced and distributed—in the open, through underground channels and by mail.

¶ A poll of all state attorneys general and local prosecution and police officials on the scope of obscenity, the adequacy of existing laws and difficulties in enforcing them.

¶ A review of the impact of Denmark's decision to lift all legal bars to production and sale of hard-core pornography to anyone more than 6 years old.

Definition is central to the whole investigation. According to Dr. W. Cody Wilson, a social psychologist who is the commission's executive director and who stands before its secret files like Horatius at the Tiber, about one-quarter of the commission's work has gone into determining what the words obscenity and pornography mean in the prevailing social climate.

It is in this light that the new freedom in motion pictures is being examined. "Is there more concern about *Midnight Cowboy* today than there was about *The Moon Is Blue* in its day?" Dr. Wilson asks. (*The Moon Is Blue*, 1953, was the first movie to go on the market without the production code seal of Hollywood's Breen [formerly Hays] office. Produced and directed by Otto Preminger for United Artists, it was condemned by the Catholic Legion of Decency and the Maryland Board of Motion Picture Censors because of the characters' frank discussion of sex. *Midnight Cowboy*, released by United Artists sixteen years later, won the Academy Award for the best film of 1969. It depicts graphically the moral and sexual depravity into which the main character sinks in the course of the story. Under the present rating system, the movie is restricted to adult audiences.)

The commission's attempt to assess the shift in public morality over the years has obliged it, according to Dr. Wilson, to focus about 40 per cent of its effort on studying the effects of erotic materials on those who see it, and that is one of the chief gripes of the anti-pornographers. But Dr. Wilson adamantly defends the approach. "There have been a lot of myths running around concerning pornography," he says. "People discuss it through fear, not fact. Until now there has been little to study."

This kind of talk, which reserves judgment on whether or not pornography is a major contributor to anti-social behavior, makes Father Hill see red. Concerned that the commission's final report will pave the way for a more permissive attitude, he now has taken his case not to President Nixon (he was a Johnson appointee) but to the people. In a series of wildcat public hearings in eight major cities during February and March, Father Hill—along with a new recruit from the commission, Rev. Winfrey C. Link, a Methodist minister from Nashville, Tenn.—sought to spotlight "the other side." ("There is no other side," Dean Lockhart says. "We are neutral.")

Testimony taken was heavily in support of anti-pornography legislation *now*—without further high-sounding study. Father Hill's purpose, obviously, is to inject into the commission's deliberations a public clamor for immediate action. Dean Lockhart has taken pains to dissociate the Hill-Link hearings from the official investigation, specifically noting in one of his rare public statements that the two maverick members are acting "as private individuals" without commission funds or sanction. But he can't stop Father Hill from issuing minority views again when the final report comes out, and his hearings will be reflected in those views. "Unless we can come in with a strong minority report," Father Hill says, "the United States will become another Denmark in two years."

Father Hill says he tried repeatedly to get Dean Lockhart to hold public hearings, but was turned down on the premise that such action would be premature. Shortly after one of the wildcat hearings was conducted on Capitol Hill, however, the commission held its first full-scale meeting in five months and decided that the time indeed had come to hold official public hearings, in Los Angeles on May 4-5 and in Washington on May 12-13.

The sessions are certain to bring much greater public attention to the costly work of the commission—and a new public demand, spurred by members Keating, Hill and Link, for information about how the nearly $2 million voted by Congress has been spent. But Dean Lockhart and Dr. Wilson are determined to release no details that in their view will impede the gathering of data.

Although the commission's findings will be most interesting, and will provide source material for legislating against traffic in pornography, there is little reason to expect that Congress will accept its findings wholesale. In this highly emotional field, with its highly emotional lobbyists pressing for tougher controls, there will always be an abundance of legislators to urge the strictest restraints, no matter what the commission may say about a more permissive public morality. And conversely, if the commission should surprise the anti-pornographers

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and issue a tough report for stiff legislation, the civil libertarians are not likely to abandon their traditional posture.

Neither the President nor Congress is waiting for the commission's report before seeking new anti-pornography laws. Mr. Nixon last May proposed legislation that would prohibit the mailing of any "offensive sex materials" to a person under 18, or the sending of advertising "designed to appeal to a prurient interest in sex," and would provide new procedures to block unsolicited "smut-advertising" in the mails.

Congress has already received more than 200 bills that relate to obscenity and pornography. The House Post Office Committee has passed and sent to the Senate one that would block mailings of obscene matter to children 16 years old or younger, and establish a procedure whereby residents of any age can bar such mailings if they so choose. Under existing law, according to the Post Office Department, more than 275,000 persons have filed complaints against the receipt of pornography. This is the first step toward possible prosecution of those who continue to mail such materials to them. The law is under Supreme Court review.

Meanwhile, the civil war over pornography goes on within the Presidential commission. "I don't see any good coming out of it," Father Hill says, "because everything is hanging on these studies. If they show there's no causal relationship between the smut industry and sexual conduct, the whole thing [governmental regulation] will collapse." Dr. Wilson, insisting the commission is remaining open-minded on every aspect of the inquiry, counters: "I think Father Hill is concerned about this open-mindedness." Despite all their other disagreements, that point is one on which they doubtless see eye to eye. □

HOW TO POLLUTE

TACOMA'S TALL STACK

WILLIAM H. RODGERS, Jr.
Mr. Rodgers, assistant professor of law at the University of Washington School of Law, appeared as counsel for anti-pollution groups at the "tall stack" hearings discussed below.

> As I fly into Arizona from the East I have been appalled for years at the large quantity of white sulfur smoke from the smelters that can be seen as far away as Cananea, Mexico, and now the anger of the people has finally demanded that something be done.
>
> —*Sen. Barry M. Goldwater, in a letter to* The Saturday Review.

Seattle

Senator Goldwater may be optimistic when he assumes that public concern will assure that "something be done" about air pollution from the smelting industry. Pollution is still profitable, and while the public cries out and the politicians fume, business continues as usual. Especially in the smelting industry.

Consider the Tacoma smelter. Since 1905, American Smelting & Refining Co. (ASARCO) has operated a copper smelter in the little town of Ruston, just outside Tacoma. The company estimates that in peak years as much as 10 per cent of the country's refined copper is produced there. Other commercial by-products of the smelter include gold, silver, arsenic, nickel sulfate and sulfuric acid.

The by-product with which the community is most familiar is sulfur dioxide. ASARCO estimates that present operations release in the atmosphere 22.2 tons of gases per hour, an emission rate which distinguishes the smelter as the predominant SO_2 source in a highly industrialized area. Other pollutants include lead, cadmium, copper and arsenic compounds, but, astonishingly, only the company knows exactly what is being spewn into the air. Local regulations, similar to those in other parts of the country, allow stack monitoring by air-pollution officials only upon consent of the affected industry. Among the thirty-nine lead, zinc and copper smelters in the country the Tacoma plant suffers special disadvantages. Its equipment is old and outmoded, its emission rate one of the highest in the country. It is located in a densely populated area which, in recent years, has become largely residential. Limited markets are available for the sulfur by-products that can be produced by control of stack gases. At present, the smelter captures, in a sulfuric acid plant, an estimated 17 per cent of the SO_2 it releases. Management is reluctant to expand sulfuric acid capacity and thus wed pollution-control capabilities to an unpredictable market.

The people around Tacoma were angry about the ASARCO smelter long before air pollution became fashionable. In the 1950s hundreds of residents petitioned the city council, demanding that immediate steps be taken to reduce the arsenic ash and sulfur dioxide released from the smelter. In the 1960s a team from the United States Public Health Service investigated at the invitation of the city manager and concluded—boldly—that "there seems to be little doubt that pollutants arising from the copper smelter in Ruston merit further evaluation." To this day complaints of acute distress by sufferers of chronic respiratory diseases and of extensive property damage are commonplace. People move from the area on medical advice, grass turns brown, shrubs wither

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and die. It seems evident that emissions from the smelter still "merit further evaluation."

The anger of the people has had no noticeable impact on American Smelting & Refining. The smelter's economic dominance in Tacoma defines its political influence. Over the years the threat of a shutdown, with the resultant loss of 850 jobs and a $4 million annual payroll, has been the short answer to air-pollution gripers. Four of Ruston's five town councilmen are employed at ASARCO. The company, following an industry-wide practice, has avoided embarrassing confrontations over damage claims by paying off persistent claimants, invariably at bargain prices. "Dear Mr. Bessler," reads a solicitous note signed by the manager of the ASARCO smelter in East Helena, Mont., on August 19, 1968: "During the spring of 1967 and summer of 1968, your property south of the smelter has experienced considerable exposure to SO_2. Under the present state of knowledge, it is not likely that the condition can be improved for a matter of years. Because of this unfortunate situation, it would appear advantageous to all concerned if you were to move out of that location. Possibly you can find another location in the countryside and your house could be moved there. Please let me know if you are interested so that we can negotiate terms of sale." This offer has been made, with minor variations, to numerous Tacoma residents. They have been advised to remove themselves from the neighborhood, to plant privet hedge rather than the more vulnerable laurel, to shun easily scarred white automobiles, or to remove their cars from the driveways at night, when they might be susceptible to smelter fall-out.

ASARCO has been but mildly affected by the modern regime of air-pollution regulation in the Puget Sound region. On March 13, 1968, the Puget Sound Air Pollution Control Agency, established under state law, enacted standards for sulfur oxides which forbade ground level concentrations of SO_2 in excess of one part per million over an averaging time of five minutes and .5 part per million over an averaging time of one hour. Violations may be punishable as gross misdemeanors with a maximum fine of $1,000 and one-year imprisonment. At last count, the Tacoma smelter had compiled the unenviable record of 282 separate violations—which can be detected only when the wind is blowing in the direction of the agency's single recording station. Legal innocents may quake at the punitive potential of $282,000 in fines and 282 years' imprisonment for company executives. In fact, the only sanctions imposed have been thirteen $250 civil penalties, which have been paid under protest. In the law, it must be understood, nothing is simple, especially when the defendant is a giant corporation.

On August 5, 1968, ASARCO filed a suit in the state courts alleging that the regulations constituted a taking of property without due process, since compliance would be incompatible with running the smelter. The pollution agency has filed a cross-complaint seeking a court order directing compliance.

With the suit still pending, ASARCO, in a tactical about-face, applied to the Puget Sound Air Pollution Control Board for a variance from the regulations during the time necessary to construct a giant 1,100-foot stack—one of the tallest in the world—intended to bring about acceptable ground level concentrations of SO_2. The decision to go for the variance was good business and good lawyering. The present, dilapidated 565-foot stack must be rebuilt in any event. Securing the variance would suspend civil penalties during the estimated twenty-six months of construction. Substantial tax savings could be realized under state law if the stack qualified as a "pollution control device." Most important, the variance would constitute a legal acknowledgment that the tall stack will be the "best available control technology" in the smelting industry for the foreseeable future. The premise for ASARCO's submission to the board was that an improved process for extracting elemental sulfur from stack gases, which was being developed with all deliberate speed, was at least "eight to ten years away."

Success in this tall stack venture required a showdown with the National Air Pollution Control Administration (NAPCA) which, since 1963, has exercised significant air-pollution responsibilities within the Department of Health, Education and Welfare. In fiscal 1969, a little less than half of NAPCA's $20 million in research contracts with the private sector were devoted to sulfur oxide projects. In January 1969, NAPCA published "Air Quality Criteria for Sulfur Oxides," which summarizes scientific research detailing the effects of these pollutants on the environment and the population. Commissioner Middleton of NAPCA recently summarized the data: "Sulfur oxides irritate the respiratory system, particularly in the young, the old, and those already crippled with respiratory afflictions. They attack a wide variety of materials. Metals corrode, paints disintegrate, fibers weaken and fade, building materials discolor and deteriorate. Agricultural production drops as plant growth and yield are suppressed. Sulfur oxides contribute to the reduction in visibility that often accompanies air pollution. Health, economics, aesthetics—all suffer when our air is polluted with sulfur oxides."

Pollution by sulfur oxides is not a problem peculiar to the smelting industry. The burning of fossil fuel accounts for about 75 per cent of the total national emissions. Other major industrial sources of SO_2, apart from the smelting industry, include petroleum refineries, chemical plants and pulp mills. Thus tall stacks have appeal beyond the smelting industry, but NAPCA, with appropriate qualifications, has discouraged reliance upon them as a substitute for controlling emissions: "Although the usefulness of tall stacks in reducing gaseous pollution in the vicinity of a plant is granted, a tall stack alone does not reduce in any manner the total pollution added to the atmosphere." Moreover, NAPCA has pointed out that, whatever dispersion equations are invoked, advantages of a

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Yardley Jones, Toronto Telegram

"Petty Cash . . ."

tall stack may be negated by the simple expedient of throwing out the pollutant at a faster pace: "whereas stack heights have increased by a factor of about 4, emission rates have increased by a factor of approximately 6. Thus a good share of the benefits of increased stack height are offset by the release of more contaminants from the stack." It goes without saying that pollutants from a tall stack must remain in the environment in some chemical form. Recent alarming evidence has correlated the increased acidity in North European rain water with the increased use of tall stacks, mainly in Holland and England.

The case of the smelter in Ducktown, Tenn., should dispel any doubts as to the effectiveness of tough pollution control. "With high stacks," writes one commentator in the early years of this century, that smelter "left its trail for 30 miles across the broadleafed forests of northern Georgia." A lawsuit, commenced by the state of Georgia, ultimately was resolved by the United States Supreme Court in 1915, hardly the age of the ecological conscience: the Court entered an order which, during the summer months, forbade the release into the atmosphere of more than 20 tons of sulfur dioxide per day—a figure contrasting starkly with the Tacoma smelter's present emission rate of 22.2 tons per hour. "Out of the Ducktown litigation came a great industrial achievement —the design, erection and successful operation of an adaptation of the lead chamber process to convert sulfur dioxide from copper smelting operations to sulfuric acid." Today, the Ducktown smelter is cited as a model for pollution abatement.

For ASARCO and the smelting industry, the most disturbing utterances made by NAPCA appeared in November 1969, when Terry Stumph, of the Division of Process Control Engineering, prepared for the Montana State Department of Health a document entitled "Proposed Emission Standard for Reduced Sulfur from Primary Nonferrous Smelters." The Stumph paper cited the three-volume McKee Report, a NAPCA-financed systems study of the smelting industry, completed in June 1969, as "proof of the existence of adequate control technology." That the industry was not pleased with this use of the McKee Report is an understatement. The application of mass-emission-rate standards deeply affects the industry's technology because it actually limits the amount of pollutant that may be dispersed into the atmosphere. Other types of regulation are less burdensome: effluent concentration standards do not restrict pollutant discharge and are easily circumvented by dilution; emission standards that vary with stack height are premised on the assumption that a tall stack is an acceptable substitute for controlling discharges; regulations based on acceptable ground level concentrations, once again, invite resort to the tall stack without affecting the quantity of emissions. But strict emission standards are anathema—a point the industry was prepared to demonstrate.

The collision came at a hearing in March before the Puget Sound Air Pollution Control Board on ASARCO's application for the variance authorizing construction of the giant stack. The related events demonstrate how a determined industry can successfully thwart pollution control by dominating the research efforts of the responsible agency.

In December 1967, NAPCA contracted with Arthur G. McKee & Co., a San Francisco engineering firm, for a systems analysis of the primary copper, lead and zinc smelting industry. I asked for and received *selected* abstracts of the McKee contract from John H. DeFord, Chief, Negotiated Contracts Branch, Office of Administration, HEW. A further request has been made for the remainder of the document. The contract, in Phase I, calls for a compilation of plant locations and identification of processes employed at those locations, coupled with a "qualitative survey" and analysis of the severity of present and potential air pollution in the smelter locales. During Phase II the contract requires an analysis of the "technical and economic feasibility" of converting smelter emissions to by-product sulfuric acid, liquid SO_2, elemental sulfur and ammonium sulfate, all compounds with commercial value. Cost estimates, which would prove useful in future enforcement activity, were anticipated. Phase III calls for a "broad examination" of "the existing and future markets" for the preceding four sulfur by-products in all regions of the United States that might be served from smelters currently in operation. "Approaches to alleviating the pollution problems of the smelting industry will be weighed," according to the terms of the agreement, and "recommendations shall be offered for future research and development to ad-

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vance the state of the art in pollution control technology." In short, NAPCA sought through the McKee contract a comprehensive systems study to direct its research efforts in the primary nonferrous smelting industry. The document was also destined to become the key source for air-pollution control by the smelting industry, no one but NAPCA having half a million dollars, more or less, to invest in a study of smelter-caused pollution.

NAPCA selected McKee as the prime contractor on the smelting industry study because of its close association with the industry. That was understandable—if you want information about the smelting industry you do well to consult with the people best informed about it. Nor should it be surprising that the final version of the McKee Report contained an acknowledgment that "the critical review and suggestions of the Industry Liaison Committee were very helpful." Under the Air Quality Act of 1967, the Secretary of HEW is instructed to establish "technical advisory committees" composed of "recognized experts in various aspects of air pollution" to assist in the examination and evaluation of research proposals and progress. Among the "recognized experts" on the primary nonferrous smelting Industry Liaison Committee, which was formed on July 23, 1968, are fourteen company representatives, including, of course, representatives of the big four—Anaconda, Kennecott, Phelps-Dodge and ASARCO. Perhaps NAPCA engineers really thought that greater candor in discussions with the industry could be achieved by excluding pesky outsiders. That this decision would have an adverse effect on enforcement efforts was somebody else's problem, notably that of state air-pollution officials who have primary responsibility for enforcement under the Air Quality Act of 1967.

The Secretary of HEW, in his Second Report on Progress in the Prevention and Control of Air Pollution, published in January 1969, announced that "The primary smelter industry liaison committee is established to (*a*) review the scope of the systems engineering study of the air pollution problems relating to the industry; (*b*) provide pertinent data inputs from industrial sources as applicable; (*c*) participate in periodic contract progress reviews; and (*d*) evaluate a final study report." It is therefore obvious that the Liaison Committee has had some influence on the final version of the McKee Report, but just how much is not easily discovered. I was the first citizen formally to ask for copies of the minutes of the Liaison Committee. The request has been referred to the chief counsel of HEW for a legal opinion concerning the availability of this data under the federal Freedom of Information Act. Presumably, there will be no disclosure, and that will call for a lawsuit, initiated by a private citizen, simply to find out in what particulars the Industry Liaison Committee influenced—or rewrote—the definitive report that was to be the primary research document in NAPCA's quest to control smelter-caused sulfur dioxide pollution throughout the nation.

Although the facts will never be fully exposed, the pattern is unmistakable; NAPCA hires a consulting firm which is close to the smelting industry to conduct an exhaustive systems analysis of the industry's pollution problems. Much of the data used in preparing the study, according to the completed document, are "based on information that was available from the smelters, or on facts already known to the contractors and not restricted as confidential." The smelting industry is invited, through the Liaison Committee, to "review" the study, "provide . . . data inputs" and "evaluate" the final effort, but the evaluations, data inputs and review are withheld from public scrutiny. What is supposed to emerge from this cozy process is a document that will guide NAPCA in its support of research into the control of smelter-caused air pollution.

What did emerge was a document that for years will deter NAPCA and control officers across the country from cracking down on the smelting industry. The McKee Report falls just short of being a how-to-do-it kit for the anti-air pollution set. The so-called "qualitative" survey of the severity of present air pollution is grossly deficient, consisting of little more than a skimpy discussion of meteorological conditions in the country, supplemented by a cursory review of the literature and by inspection visits to plants, which turned up the usual indicia of SO_2 pollution: reduced visibility, irritating odors, damage to vegetation. McKee's engineering estimates about industry emissions are incompatible with figures reported elsewhere. For example, McKee estimated the Tacoma smelter's emissions to be 156 short tons of sulfur a day, whereas ASARCO's own figure is 266.4 short tons. Comparable gaps in the data render the report useless to any enforcement effort through the courts or agencies.

Little more instructive are the McKee recommendations about research. A worth-while point—which was no surprise to anyone—was to emphasize a control process to produce elemental sulfur, which can be easily shipped and stored. But one of the seven final recommendations urged the industry to "initiate a project to obtain quantitative information about smelter gases and their constituents"; it is hardly a startling insight to be told that finding out about what is coming out of the stack is a prerequisite to controlling what is coming out of the stack. Even the Public Health Service had gone so far as to inform the residents of Tacoma in 1962 that pollutants from the smelter "merit further evaluation."

Notwithstanding these deficiencies, the McKee Report contains a wealth of useful data about the smelting industry. Despite its research orientation, it was informative enough to serve as the primary source for the Stumph proposals to NAPCA for emissions control. The report discloses, for example, that there is ample precedent for controlling all types of sulfur oxide emissions. The principal barrier has been economic rather than chemical or technical. According to McKee, smelters located in the eastern half

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of the United States recover as usable by-products an estimated 85.5 per cent of emissions, presumably because of attractive markets for these products and a vigorous insistence upon air pollution abatement. Smelters in the West recover only 22.7 per cent of emissions.

ASARCO had ample opportunity to "review" and "evaluate" NAPCA's systems study and to become acquainted with the prime contractor before presenting its application for a variance. Nevertheless, it showed poor taste, even for the smelting industry, when it called as its key witness none other than Lee Argenbright, who was the project director of the NAPCA-financed McKee study. "McKee Report Mis-Used, Company Representative States," read the press release describing Mr. Argenbright's testimony. The NAPCA Stumph document on emission control was condemned for taking extracts from the McKee Report "out of context, with little regard for the derivation or usefulness of the portions extracted." The McKee Report failed to "supply proof of the existence of adequate sulfur-control technology," nor did it "provide a proper basis for setting standards." Argenbright concluded: "The findings of our study are consistent with the proposal of the company to proceed by way of a tall stack, pending development of a workable sulfur recovery process."

Perhaps Stumph misread the McKee Report, perhaps not. I think not. But the consequences are unmistakable: through an elaborate chain of manipulative influences the study that was to inspire a breakthrough on control technology in the smelting industry is so construed as to immunize the industry from effective control. A private consulting firm is paid by NAPCA to study the industry and is paid by the industry to refute NAPCA. A heavy investment in air-pollution research produces a document that, practically and politically, amounts to a warm endorsement of tall stacks, which were a discredited technology in the 19th century.

Despite the Argenbright testimony, ASARCO's tall stack plans have been frustrated for the moment. On March 25 the Puget Sound Air Pollution Control Board voted unanimously to deny the variance. Staff personnel and university experts combined to refute the arguments advanced by company experts. The angry citizens of Tacoma were also heard, this time with sufficient clarity to affect the outcome. Future legal action by ASARCO is likely.

The experience demonstrates that there is more than one way to hamstring air-pollution control efforts. Capturing a single major research project will assure twenty legal victories. While NAPCA thought it was spending money to secure advice about research, the industry knew that enforcement decisions also were at stake. What the smelting industry has done through its Liaison Committee can be repeated by the iron and steel, pulp and paper and aluminum industries and other major air polluters. Eliminating the liaison committees is essential to assure that a NAPCA research document is never again used as an excuse to build a tall stack. For the long run, Senator Muskie's suggestion that the administration of NAPCA's air-pollution research efforts be divorced from its enforcement program makes sense. Foolish bureaucrats can frustrate the anger of the people every time. □

MEDICARE AND MEDICAID

COMMERCIALIZING THE AGED

ROBERT E. BURGER
Mr. Burger is co-author of Where They Go To Die *(Delacorte),* Out From Under *(Sherbourne) and* Twilight Believers *(Sherbourne).*

Our economic system—"the American way of life"—is so constructed that any attempt to alleviate the financial miseries of one segment of the population can be expected to enrich another sector. It is no surprise, then, that the most conspicuous beneficiaries of Medicare comprise a group other than the aged. Cynics predicted, further, that when reform of the program came it would be at the expense of the recipients rather than of the profiteers. They were right.

The chief beneficiaries of government aid for the aged have been the professionals and institutions whose fees are now swelled each year by $13 billion of federal money that was never there before. And the soaring costs of the system have resulted, primarily in higher Medicare fees for aged "recipients," and reductions by many states in the services they are willing to underwrite under Medicaid.

By the middle of 1970, Congress will have made another round of changes in Medicare and in the federal regulations of Medicaid. Though these programs are now almost four years old, the public is still generally confused about who is eligible for each, whether they overlap, and how they are financed. These are the basics, which will remain the same through any changes:

Medicare is the federal program for the over-65 age group. It automatically offers benefits for hospitalization, on the evidence of a person's Social Security card; but for doctors' bills and other medical expenses the patient must "sign up" three months before or after his 65th birthday and must pay a premium to an "intermediary" of the the program, such as Blue Cross.

Under *Medicare,* a patient still pays a significant part of

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his medical bills, in comparison with other forms of insurance. The details are unimportant; the total can run to about one-fourth of both hospitalization and medical costs. *Medicare* pays nursing-home fees only for "extended care" facilities—meaning a substitute for hospital care rather than an extension of time.

Medicare pays doctors, hospitals, pharmacies and others on a "cost-plus" basis, with limitations of specific costs only recently and sporadically established.

On the other hand:

Medicaid is jointly financed by federal and state funds, with the state setting the benefits and the regulations within loose federal requirements.

It necessarily affects many of the aged, but is intended for the health care of the general population.

Medicaid generally has no premiums and is correctly classed as a welfare program, with a "means" test in most cases. *Medicaid* supports long-term nursing-home care, as most state programs have always done.

It pays fixed amounts for specified benefits, as state programs for the aged have always done.

Some sixty-five nursing homes in California were "decertified" from the Medicaid program in late 1969 by the stricter application of federal standards. This came about when a survey by HEW uncovered more than 225 homes which failed to meet its minimum requirements—the chief of which was that a "nursing" home should have a registered nurse on duty for at least the day shift. The homes had been collecting $14 a day for their Medicaid patients (called "Medi-Cal" in California), roughly equivalent to the amount they received when the state alone was paying the bill.

In contrast, a San Francisco nursing home offering Medicare benefits (short-term convalescent, cost-plus basis) had its funds held up at the same time for "overutilization"—billing the government $39 a day for its patients. These two illustrations give some idea of the range of the problems that beset federal programs for care of the aged. They also point to the two basic objections lodged against the official American pattern for treating the aged.

The first objection is that the aged are mistreated, even in the best of nursing homes. The second is that, whether or not nursing homes are sufficiently upgraded and suitably policed, consigning the aged to institutions as a matter of policy is a sociological blunder. By pumping money into Medicare and Medicaid programs to meet the first objection, the federal government has intensified the latter problem.

Sen. Russell Long announced at the start of the HEW investigation that the Senate Finance Committee had evidence of Medicare and Medicaid abuses and fraud costing the taxpayers more than $1 billion in 1968 alone—out of an annual budget that was then much less than the current $13 billion. "It almost appears as if everyone involved in Medicare wants to make that extra buck," he said. He turned over to the Internal Revenue Service a list of 10,000 doctors, dentists, optometrists and pharmacists who collected more than $25,000 each from Medicare or Medicaid during the year. A high proportion were in California; several in that state were reimbursed by the government for fees of more than $100,000; one general practitioner got $169,000.

As the American Medical Association was quick to point out, the fact that a doctor makes more than $25,000 from the program doesn't prove that he's gouging; yet it is easy to see from a practical example how such programs are subject to "overutilization," the euphemism for unconscious fraud. A 69-year-old friend of mine recently had hernia and prostate operations which, even with Medicare, cost him $1,100 he could ill afford. Every time he visited his doctors for post-operative checkups, he found himself faced with at least a prescription and usually an X-ray or lab fee. "It's the darnedest system you ever saw," he said; "I wish *I* was in a business where I could write up orders for *my* clients and have Uncle Sam stand behind the bill."

The reaction of professional associations to charges of fraud is predictable. Physicians and nursing homes insist that abuses are the fault of "only a small minority" and that their associations are best equipped to police their own members. When California's Deputy Atty. Gen. Charles O'Brien released one of the earliest reports of widespread Medicaid fraud, he quipped that from then on he might have trouble making a doctor's appointment. "I'll just have to drink plenty of orange juice and read Mary Baker Eddy."

If abuses in the programs for the aged were eliminated overnight, however, a more pervasive and essentially more destructive disease would remain. That disease, in a word, is commercialization.

The commercialization of care for the aged has put unbearable pressure on nursing-home standards and at the same time spawned the institutions which segregate the aged from the mainstream of society. The *California Financial Journal* recently ran the banner headline, "Convalescent Stocks Boom," reporting that "the future of nursing home and extended care facilities is wide open and virtually gold-plated." Masquerading as the answer to the problem of old age, the nursing-home boom has put a financial squeeze on those elderly people who most need care and at the same time threatens to relegate a whole segment of the population to an Orwellian dungeon.

The president of the American Hospital Association has predicted that the cost of hospitalizing a patient will go up 44 per cent—to almost $100 a day—in the next four years. He attributed this rise directly to the complexity and inflationary pressure of Medicare. The same pressure is at work in nursing homes and homes for the aged, its effect being to spread still further the gulf between the well-to-do and the needy aged.

Here are some of the discouraging trends for the aged: those over 65 now make up one-tenth of the population—about equal to the population of California or to the entire black minority. According

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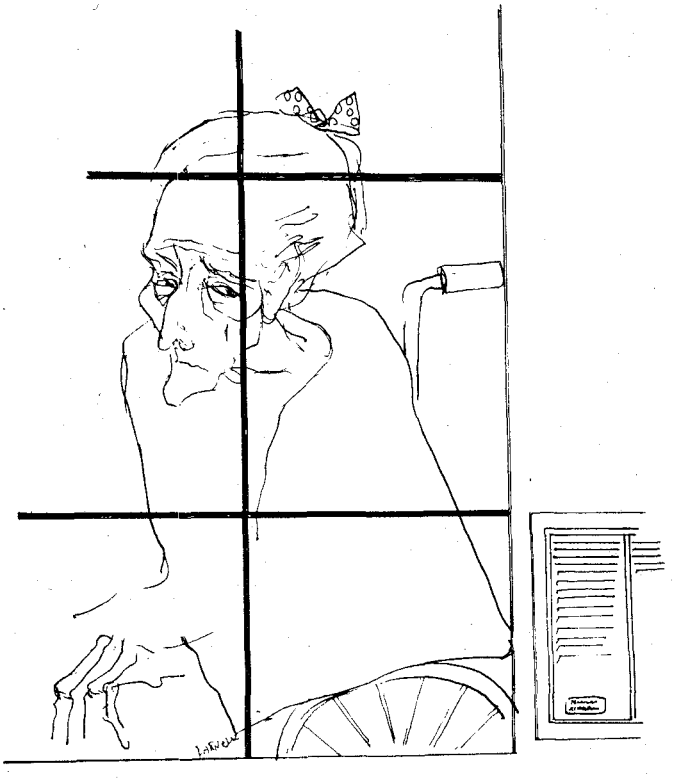
to the Senate Special Committee on Aging, three out of ten live in poverty, and the trend is down. Older persons have less income now, compared to people in the work force, than they did in 1961. Over-65 Americans paid one-fourth of the nation's drug bills in 1968—and only 2 per cent of their prescriptions were covered by insurance. Between 1967 and 1969 the cost of consumer goods in general rose almost 8 per cent for the aged—much faster than for the population as a whole. In the past fifteen years, the percentage of those between 65 and 70 who were employed dropped from 58 to 34 per cent.

In the same fifteen-year period, the nursing-home business multiplied more than ten times—from $210 million annually to $2.5 billion. Fifteen years ago, only a third or less of these homes were proprietary; today 92 per cent are in it for the money. With regularity, books and newspaper exposés have documented the abuses. When nursing homes are good, they can be excellent—and expensive. The problem is that the ones which the average American can afford can stay in business only by trimming services for the aged. Since the advent of Medicare, the number of nursing homes properly so-called has almost doubled, to 24,000. But these homes are geared to Medicare patients—short-term, usually post-operative. Long-term care has received little new government support, especially in the case of "rest homes" or "homes for the aged." That is where the abuses are prevalent.



Rep. David A. Pryor discovered to his dismay that nursing homes around Washington, D.C., charge about $800 per month for an elderly patient. Out of twelve he visited, "I found two where I would be willing to put my mother, if she needed this kind of care. But I don't think I could afford either one on my $42,500 Congressional salary." The lack of actual nursing service is one of the most common complaints about supposed "nursing" homes. In one such institution, Pryor overheard a proprietor remark about a patient, "We think she's had a little heart attack—but we hate to disturb Doctor on Sunday."

Personal safety is perhaps as serious a concern for the aged. Statistics show that a nursing home is the most dangerous place to live with respect to fire—yet there is still no general policy from state to state on fire prevention standards. Early this year twenty-one old people were killed in a fire in a newly built nursing home in Marietta, Ohio. It had fire-sensing equipment, but no sprinkler system, the merits of which have been debated ever since the infamous Fitchville, Ohio, fire of 1963. Nursing home groups argue that such safety precautions would put them out of business.

One of the benefits hoped for from federal financing was the possibility of national standards with some force behind them, but such standards, even if insisted upon, apply only to the type of home that can claim federal funds. In every respect, the effect of Medicare and Medicaid is to widen the gap between the haves and have-nots—both the nursing homes and the aged themselves.

The demand for care increases in direct proportion to the number of new institutions built. It is something like the theory that new freeways create new traffic, which chokes them as soon as they are in use. In any event, Americans have accepted a "solution" for care of the aged which amounts to removing them from society, and putting them in larger and larger institutions. This tendency is in part a rationalization for the commercial edifices we have erected around the aged; partly it comes from the values of our society. A widely distributed handbook on marriage advises newlyweds, flatly: "It can be said that two generations simply should not live under the same roof."

Although American "values" have spread easily throughout the world since World War II, the systematic segregation of the older generation has remained largely an American phenomenon. That it is as disastrous a trend as I believe can hardly be documented, but at the very least, commercialization of the aged has tended to discourage those procedures which are unprofitable or "unpromotable."

One of the worst effects is "overutilization," which does not mean that the aged are given too much care but that they are forced into programs that don't fit them, because that is where the money is made. An obvious example of this is the neglect of rehabilitation or in-home care, in favor of commitment to a nursing home.

Enlightened nursing homes are well aware of the false values which federal programs have inculcated. Says Walter Harrison, Superintendent of the

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Lutheran Homes at Germantown, Pa.: "Since 1948 this home has had a nonresident program which provides social service to older people living in the community. We urge old people to stay in the community—this is an area that has hardly been touched by government on all levels, as well as homes for the aged."

Mental retardation produces the same pressure for institutionalization, Dr. Gunnar Dybwad, a world authority on the subject, states: "In spite of the certain knowledge that residential care for even the most deeply retarded is more effective than any other type of treatment, large state institutions are being maintained because of the economics involved."

Admittedly, in-home care for the aged (which Medicare is beginning to develop) is "messier" to provide and administer than are large institutions. But the career of Medicaid has hardly been smooth. Guy Wright reported in the San Francisco *Examiner* that he had been deluged with stories about old people who waited eight to thirteen months to have their claims paid. When the backlog of claims at Blue Shield, the Medi-Cal intermediary, reached 600,000, they "called in a computer outfit to straighten out the mess, but it may be too late. People have just stashed files in drawers to get rid of them."

Is there a ray of hope in this commercial gloom? Out of the current Congressional investigations have come some good ideas and some realistic appraisals of how to stop profiteering on the aged. Under Secretary of HEW, John Veneman, has suggested a broader type of health insurance to be encouraged with government aid as an alternative to Medicare. The model for this insurance is the prepaid group medical practice operated by the Kaiser Foundation in California. A group of private hospitals in San Francisco recently announced they would begin experimenting with such a program themselves. The key to this type of practice, which has been generally frowned upon by organized medicine, is that the profit motive is carefully controlled and the incentive on the part of participating doctors is to keep expenses in line.

Other government authorities who have wrestled with the dilemmas of federal aid have suggested everything from a housing corporation for the aged (Wilbur Cohen, former HEW Secretary) to a "single annuity" program. Both suggestions would accomplish one of the most needed reforms: removing the aged from dependence on institutions and allowing them to choose the type of care and living conditions they prefer.

That young American families really want to put their aged in institutions is another matter. Perhaps if the inducements to the nursing-home solution were removed, Americans would, by another variation of Parkinson's law, learn to draw their patriarchs around them again. A society that shuns its elders imperils its humanity and the continuity of its inherited values. □

New Jersey: The State of Mafia

FRED J. COOK
Mr. Cook is the author of many special articles for The Nation. *His most recent books are* The Plot Against the Patient *and* What So Proudly We Hailed *(both Prentice-Hall).*

The Nixon Administration's campaign against organized crime is part of a Communist plot to discredit police officers and public officials. U.S. Attorneys Frederick B. Lacey in New Jersey and Whitney North Seymour, Jr., in the Southern District of New York are dangerously tainted; how they could have been appointed by President Nixon on the recommendation of Atty. Gen. John N. Mitchell only the devil and Moscow know. This sounds like fantasy, and it is—the latest, wildest and most irrational flight in the long and irrational history of the American radical Right.

It has been inspired by the activities of Frederick B. Lacey, of Newark. After taking office last September, Lacey and his young chief assistant, Herbert J. Stern, spurred federal grand juries to return a spate of indictments that shook New Jersey. The indictments were leveled at major figures in both crime and politics, most notably Anthony (Tony Boy) Boiardo) scion of a Newark Mafia dynasty, and Hugh J. Addonizio, the Mayor of Newark.

In early January Lacey tried and convicted the Mafia *capo* Angelo (Ray, the Gyp) DeCarlo for extortion. During the proceedings, federal Judge Robert Shaw released 1,200 pages of transcripts, the result of admittedly illegal FBI buggings of conversations among Mafia leaders. The transcripts gave a graphic picture of mob figures chatting about payoffs, and about public officials whom they claimed to control. Though all of this was beyond the law, and subject to no element of proof, the revelations reverberated throughout New Jersey and were generally accepted as the low-down on the hidden life of the Garden State. The tapes were readily believed because, for decades, New Jersey has been a horn of plenty for the most notorious racketeers in the business. Most people have assumed right along that mob power so blatant could have been exercised for so long only with a large measure of police and political collaboration.

The emergence upon the scene of Frederick Lacey —a man who went after the mob with zeal and showed no signs of ever letting up—was therefore

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hailed by a disillusioned citizenry with a shout in which incredulity mingled with joy. And the reaction of the powerful secret forces he was attacking was entirely predictable.

New Jersey has developed a technique, exhibited many times through the years of dishonor; it is known as busting the rackets-buster. Let a zealous crime fighter raise his head, let him try to put Mafia bosses and their political front men in prison, and as soon as he makes the first move, he's sandbagged. In the late 1940s John Winberry persuaded two witnesses to testify against Mafia boss Joe Adonis. Within forty-eight hours, Winberry was fired and the only persons who suffered in the subsequent investigation were his witnesses. In the early 1950s Nelson F. Stamler finally sent Adonis and several of his fellows to prison; but the moment he tried to discover what political magic had assured them a decade of immunity in Bergen County, Stamler was scalped in a Statehouse scandal. Winberry and Stamler were only two among many.

Lacey's position seemed at the outset somewhat different. He had a fine reputation in the legal world of New Jersey; his personal integrity had never been questioned. He was a staunch Republican, a law partner of Bernard Shanley who had been prominent in the Eisenhower administration; and as a trial attorney, he had represented some of the largest American corporations. He was taking the U.S. Attorney's office at a considerable financial sacrifice; he was beholden to no one. And he had behind him the full force of federal power. Yet even that strong position did not make Lacey immune. First came the threats. Anonymous letters warned Lacey of what might happen to his wife and seven children. Ugly telephone calls became so disturbing that Lacey had to change his home phone in Glen Ridge to an unlisted number. Describing the pressures, Lacey said in a later speech:

> When we continued our efforts, an assistant in my office was telephonically told that one of my young sons was going to be beaten.
>
> This, too, failed to stop us.
>
> Thereafter, one of the top Mafia leaders in this state, a man presently under indictment by this office, actually approached me in a public restaurant and warned me, in the presence of my chief assistant, Herbert J. Stern, that there were certain elements with whom he wanted me to know he was not associated, who were threatening that same son with harm.

At the insistence of Atty. Gen. Mitchell, U.S. marshals were installed in Lacey's home.

Threats having failed, Lacey was attacked through his eldest son, Frederick B. Lacey, Jr. The younger man was denounced as a rebel, linked to what was described as the "Maoist-Communist revolutionary" Progressive Labor Party. By the logic usual in the tactics of innuendo, Lacey himself was therefore unfit to be a U.S. Attorney and should be fired. And further, since the bad guys had now been unmasked, at least by gossip, it followed that everyone whom Lacey had been prosecuting, either as a Mafia mobster or a corrupt politician, was really a good guy and the victim of a monstrous Communist conspiracy. It happens that those whom Lacey has been pursuing are for the most part of Italian extraction, and super-sensitive and super-ethnic Italians have seized upon the conspiracy theory with unseemly exultation.

The official record puts the principal onus for this attempted stab in the back on two men: Frank Capell, an extreme right-wing journalist who prepared the text, and Rep. John R. Rarick (D., La.) who mouthed them in the libel-free halls of Congress.

Capell edits and publishes a right-wing hate sheet called the *Herald of Freedom* in Zarephath, N.J. In some of his literature he claims to have supervised the investigation of more than 5,000 individuals and organizations, primarily for the FBI. However, on January 20, 1967, J. Edgar Hoover wrote in reply to an inquiry: "Mr. Frank A. Capell has never been an employee of the FBI nor has he ever been retained by the FBI in any capacity."

During World War II, Capell was a civilian investitor for the War Production Board, and in 1943 he was indicted for accepting a $1,000 bribe to influence a case pending before the WPB. He received a suspended one-year sentence and was fined $2,000. In 1965, Capell was indicted in California for a conspiracy to defame Thomas Kuchel by spreading the rumor that the liberal Republican Senator had been arrested in connection with a homosexual offense. Capell's evidence against Kuchel collapsed; he retracted the charge, pleaded no defense to an indictment accusing him of circulating a false, defamatory report against a public official, and was fined $500 and placed on three years' summary probation.

An exposure so damaging would ordinarily be expected to discredit a propagandist, but Frank Capell goes on and on. From his *Herald of Freedom* press has issued a succession of book-length tracts bearing his name: *The Strange Death of Marilyn Monroe* holds that the actress was murdered by the Communists to hush up a secret love affair with the late Robert F. Kennedy. *The Strange Case of Jacob Javits* alleges that the senior Senator from New York, a liberal Republican, was a protégé of the Communist Party and had been maneuvered into Congress after visiting a meeting place of top Communist leaders and espionage agents. *The Threat from Within* and *Treason Is the Reason* both argue that an entire cross-section of prominent Americans is linked to a Communist conspiracy. Among those included in this alleged cabal are Dean Rusk, the late Adlai Stevenson, Walt W. Rostow, Arthur Schlesinger, Jr., Arthur Goldberg, and Ambassador to the United Nations Charles Yost.

Such is the background of the man who, in the February 6 *Herald of Freedom*, initiated the backdoor attack on Lacey by attacking his eldest son. He wrote that young Lacey "has been officially identified as a Communist." This identification, he said,

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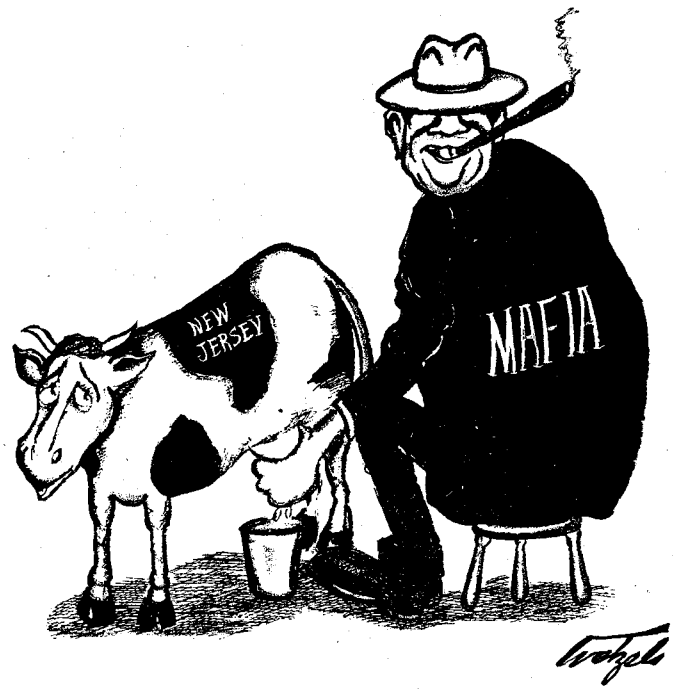
was made in a report of the Joint Legislative Committee on Un-American Activities of the state of Louisiana. The report dealt with the Spartacist League and "certain other Communist activities" in southern Louisiana. The charge against young Lacey was based primarily upon the testimony of Sgt. David Rolland Kent, of the New Orleans Police Department's intelligence unit. Sergeant Kent claimed to have infiltrated the Spartacist League and to have become acquainted with many Communists. He charged that the Progressive Labor Party was a "Maoist-Communist revolutionary" organization and that young Lacey was a member of the party, a Communist and the associate of notorious Communists.

It took just twelve days for this information to make its way to Congressman Rarick. On February 18 he took the House floor, denounced U.S. Attorney Lacey, and read the entire Capell blast into the *Congressional Record*. He identified Capell as a "courageous investigator" whose "extensive research and timely publication of the background of this unusual affair" had made possible Rarick's own speech, "New Left Wages Psycho-War on Police Officers."

Rarick lives in St. Francisville, La., and is a former district judge. The word from Louisiana is that he has long been a leader of the ultra-segregationist White Citizens Council, and that his ties to the faction of the extreme Right represented by the John Birch Society are open and notorious. Rarick has inserted into the *Congressional Record* items from the Birch Society's *Review of the News*. He has praised Rev. Carl McIntire, the fundamentalist New Jersey churchman nationally known for his radical Right radio broadcasts, and Gen. Edwin Walker, who was removed from his command in Germany for attempting to indoctrinate his troops with Birchite literature. Rarick's signature has been used on promotional materials sent out by the fanatic Liberty Lobby. In September 1965, he attended a parade and rally sponsored by the Anti-Communist Christian Association, identified by the Justice Department as a Ku Klux Klan front group.

In 1968 Rarick, though ostensibly a Democrat, urged support for the candidacy of George Wallace, and his own campaign for re-election was assisted by a fund-raising rally staged by Birch Society leaders in Massachusetts on the July 4 weekend. Tom Anderson, veteran member of the JBS Council, was listed as chairman of the American Friends of John Rarick. Among others whose names appeared as members of the fund-raising committee were Liberty Lobby's Curtis Dall, General Walker and Rev. Billy James Hargis.

The February 6 issue of *Herald of Freedom* (normal circulation less than 5,000 copies) was distributed by the bundle throughout the state of New Jersey. Americans of Italian descent and similar groups, seeing in every mention of the Mafia a slur on the entire Italian people, whooped up the campaign. Even down in my own Monmouth County, well removed from the environs of Newark, one outraged doctor denounced Lacey to an entire roomful of patients. "Imagine *that* man attacking *us* when all the time he has been harboring a viper like *that* in his own household!"



So scurrilous did the campaign become that Lacey made an unscheduled appearance before a group in Irvington and tackled his accusers head-on. He charged that Essex County Sheriff Ralph D'Ambola, who had been mentioned several times in the DeCarlo tapes, excerpts of which Lacey read, had purchased 2,500 copies of the *Herald of Freedom*. D'Ambola promptly denied it, saying he had received only six unsolicited copies through the mail. He added, "the material is interesting."

Lacey denounced the *Herald of Freedom* article as "midnight literature," whereupon his embarrassed hosts discovered that a large pile of the issue had made a mysterious appearance at the table at which they were selling tickets. Officials in charge of the meeting disclaimed any knowledge of how it came to be there and hustled it out of sight. As for his eldest son, Lacey repeated what he had said previously: "This is a boy, now 25, whose ideals led him to go to Louisiana, where originally, as a member of the Congress of Racial Equality, he lived with and helped to educate young black children." The whole thrust and intent of the attack made upon him through his son, Lacey charged, was to intimidate him and "muzzle vigorous law enforcement." When he finished his speech, he was given a standing ovation.

Such isolated triumph did little, however, to curb the persistent attack. Frank Capell had other strings to his bow. An article signed by him and published in the John Birch *Review of the News* for February 18 charged that Lacey was running "a propaganda show to serve the purposes of the Far Left," and

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Capell discovered all kinds of "proof" for this thesis in an article I had written for *The New York Times Magazine* that described Lacey's effort to break the underworld's hold on New Jersey.

My name on the article was Capell's first item of "proof." Back in the late 1950s I had written for *The Nation* an article, later expanded into a book, that questioned the legitimacy of the government's case against Alger Hiss. The Soviet press, with no encouragement from me, had commended this work, and so I became in Capell's words the "Moscow-praised Cook." It did not matter that I had written two full-length books attacking the American underworld and exposing its far-reaching influence; for Capell, the taint of Moscow was there, propagandizing for Lacey in *The New York Times*.

In more specific substantiation of his claim of a Communist conspiracy, Capell seized upon one of my paragraphs. I had related how Lacey, who was making a very large income representing U.S. corporations, had been about to turn down the U.S. Attorney appointment when he was phoned by a veteran Washington corporation lawyer, William A. Sutherland. Sutherland had urged him to reconsider, pointing out that when he reached old age the money he hadn't made wouldn't matter, but that what he might have accomplished in a few years as a federal prosecutor could well be the one thing of which he would be most proud. So Capell asked in sinister overtones: now just who is Sutherland? It took only one telephone call to find out, he informed his Birch Society readers.

Back in 1932 Angelo Herndon, "a Negro Communist," had been arrested in Atlanta with "Communist literature" on his person. And guess who had defended him at his trial. William A. Sutherland! Nor was that all. Herndon's case was appealed to the U.S. Supreme Court, where he won a 5-to-4 decision. And who represented Herndon before the Supreme Court? Whitney North Seymour. And now President Nixon had just appointed Whitney North Seymour, Jr., a partner in his father's law firm, as U.S. Attorney for the Southern District of New York. The effect of all this was obvious to Capell: "with the arrival on the scene of U.S. Attorney Lacey and his 'crime-busters,' anti-Communist Dominick Spina [the much criticized police chief of racket-ridden Newark] and many other public officials found their names linked to 'organized crime.' . . ."

Capell stopped short of the logical conclusion of his involuted reasoning—that, if the Nixon Administration is appointing dangerously tainted men to the powerful post of U. S. Attorney, then Attorney General Mitchell, and even the President himself, must be the handmaidens of the conspiracy. He also, like all radical Right fantasts, utterly ignored a basic fact of the practice of law. One of the finest tenets of American law says that a defendant, any defendant, has a right to legal counsel; and prominent attorneys are sometimes assigned by the court to undertake the defense of unpopular clients. Or they may volunteer for the job out of a conviction that an important issue is at stake. It is idiocy to contend that a lawyer believes as his client believes. One could as well suspect of homicide a lawyer who defends a murderer.

In any event, Capell might have learned from a few more phone calls that William A. Sutherland, the pivotal figure in his envisioned plot, is a conservative Virginia gentleman who has represented corporations during most of his practicing life and who is known for a worshipful regard for the American business system.

The Capell-Rarick attack on Lacey and Lacey's forthright defense of himself brought some of New Jersey's most respectable individuals and organizations running to the prosecutor's side. A spokesman for U.S. Sen. Clifford P. Case, long the outstanding Republican vote getter in New Jersey, said that young Lacey's ties to the Progressive Labor Party in Louisiana had been known long before his father was appointed. The elder Lacey had himself brought the matter up when his appointment was being considered, the spokesman said. Senator Case, who had recommended Lacey for the U.S. attorneyship, is a generally mild-mannered man, but the attack on Lacey stirred him to one of his rare outbursts of rage. On February 25, he took the Senate floor and fired away: "The meanness of spirit of those who try to intimidate public officials or deter them from performing their duty by attacking the activities of members of their family is exceeded only by their stupidity."

The following day, the *New Jersey Law Journal* wrote that members of the bar who had known Lacey for twenty-five years "are aware of his qualifications and exceptional competence as an advocate in the private sector and as a courageous defender of the public interest as a public official." The *Law Journal* went further: "We urge that there be a thorough investigation by an appropriate Congressional committee of Congressman's Rarick's charges and conduct in inserting them in the *Congressional Record*, his relationship to their republication and distribution in New Jersey, the ulterior motives behind them and their ultimate sponsorship."

Even such denunciation did not stop the snide campaign. The Middlesex County chapter of Americans of Italian Descent invited Rarick to speak at a March 24 dinner in North Brunswick given to honor Mario Procaccino, the unsuccessful candidate for

(Continued on page 574)

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BOOKS & THE ARTS

Prometheus Unbound

EGO AND INSTINCT: The Psychoanalytic View of Human Nature—Revised. *By Daniel Yankelovich and William Barrett. Random House. 494 pp. $10.*

RONALD SAMPSON
Mr. Sampson is a lecturer in politics at the University of Bristol. His most recent book is The Psychology of Power *(Pantheon).*

"It is not because men's desires are strong that they act ill; it is because their consciences are weak," wrote Mill in *On Liberty*. "There is no natural connection"—he added—"between strong impulses and a weak conscience." Although man is endowed with instinctual energies of immense potential for good or evil, he is also provided with the means to direct and control those energies. The scope for destruction or creativity is vast. Just how much freedom do we have as individuals and as a species in determining along which of these two paths we shall proceed? It is to this vital question that Professors Yankelovich and Barrett address themselves in a work remarkable for its erudition and its lucid presentation of abstract and complex argument.

The authors' thesis may be briefly stated. The Cartesian revolution eventually generated a new world view, "scientific materialism," which forms the basis of modern culture, science and technology. This view, particularly favorable to the development of the physical sciences, was correspondingly ill-adapted to the development of the human sciences, with a resultant imbalance in our cultural development. The role which Cartesianism played in relation to scientific materialism, psychoanalysis is peculiarly fitted to play in developing a world view conducive to the urgently needed development of the human sciences.

Unfortunately this crucial role for psychoanalysis has hitherto been concealed, partly by the weakness of its scientific status through its neglect of systematization and verification procedures, but mainly because psychoanalysis rests on a meta-psychology, based on the assumptions of scientific materialism, in conflict with the theory of meaning which informs its clinical and therapeutic practice. Moreover, psychoanalytic developments since Freud have served only to sharpen the conflict with Freud's inherited meta-psychology.

At the same time, in the larger world of philosophic thought, contemporary existentialism and empiricism have gradually been forging a consensus at variance with the assumptions of scientific materialism. Consequently the time is now ripe for psychoanalysis to use the insights of modern philosophy to attend to its own philosophical neurosis and thus strengthen its own standing, and for philosophy to overcome its strange neglect of psychoanalysis to develop a world view appropriate to modern man, to free him from the crippling effects of the metaphysic of scientific materialism and help him overcome the neurosis of his crisis of identity. The thesis is bold, challenging, impressive, worked through in great detail and backed by immense learning. It deserves to be taken most seriously.

Professors Yankelovich and Barrett are at their most convincing in the pages devoted to exorcising the specter of scientific materialism. Because of the immense prestige of mathematical physics, its own mode of knowing became accepted as the norm, its own presuppositions were erected into a world view. All appearances, both human and natural, concealed a "real" determining reality of material forces, animated by mechanical laws. The stuff of the universe, itself neutral and purposeless, obeys a coherent externally imposed order. Intelligence elicits knowledge from nature by manipulating it to answer questions of reason's own determining. Phenomena are observed and other phenomena produced under chosen conditions. The new science and its methods rested from the outset on a sharp dichotomy between the knower and the known, between subject and object in the interests of objectivity, and in presupposing an elaborate technology to elicit the data.

Beginning with the theoretical separation of man from nature, Cartesianism has led logically to a social and human divorce from nature; so that man's relation to himself has been distorted by technological developments on which his whole way of life has come to depend. The corresponding world view, scientific materialism, holds that all reality can be reduced to and explained in terms of matter. Matter itself can be reduced to discrete, homogeneous elements with the property of specific location. By measuring these phenomena through mathematical modes of abstraction, hypotheses may be conjectured and verified through elaborate, public institutional checks. The discoveries of 20th-century physics and biology, although changing the meaning of the physico-chemical processes, have done nothing to weaken the faith that all reality can be reduced ultimately to matter, the only "real" reality.

Whatever the advantages of such a view in enabling man to impose his own order on the material universe, it is disastrously inadequate as an interpretative measure of the specifically human. It cannot assimilate the uniqueness of the individual, a whole person subject to processes of growth and change, and yet possessed of an enduring identity, capable of self-understanding, and inhabiting a world of moral values. Human experience, when subjected to the methods of the physical sciences, is divested of a whole crucial dimension: that which makes it uniquely human. Moreover, the rigid determinism of scientific materialism is incompatible with the structure of human freedom, the basis of all meaningful human experience. It is the failure to understand that freedom which lies at the root of modern man's uncertainty and self-doubt.

Freud himself is something of a paradox. Possessed of a vision of life akin to that of a Greek tragedy, a Prometheus struggling for freedom yet chained implacably to an instinctual base, Freud still regarded himself primarily as a scientist. Moreover, the scientific tradition he inherited was that of the Cartesian-Newtonian model—rigorously materialist, mechanistic, deterministic—exemplified in psychology then by the work of Helmholtz. Thus while Freud deployed his unique gifts to lay bare the private suffering on which a triumphant civilization rested, and in his therapeutic practice observed and documented the phenomena of infantile sexuality, the mechanisms of repression and resistance, the compulsive power of Oedipal ties, the transference of neurotic emotional ties to surrogate figures, he also attempted to construct a meta-psychological model within which the clinical data could be construed.

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The relation between the two was always uneasy, and Freudian explanation has oscillated between the plane of meaning derived from the therapeutic encounter and the plane of "causative" forces constituting the "reality" behind the appearances. Freud's mental apparatus is a regulatory system on the theoretical model of the Newtonian law of inertia, an energy mechanism in which ego wars with id but is handicapped by having neither independent energies nor autonomous purpose. The model is as closed a system as the Cartesian and as completely deterministic. Neurosis is defined as a dysfunction of the apparatus. While Freud vacillated on the crucial issue of the relative strength of the blind sexual and aggressive urges vis-à-vis the controlling regulatory mechanisms, he generally defined basic motivations in terms of the former rather than the latter. Nor is this balance altered by the substitution of the reality principle for the pleasure principle, since the demands of the reality principle are ultimately those of postponed satisfaction.

The authors subject Freud's model of the mental apparatus to rigorous criticism, holding that the mechanistic paradigm distorts our understanding of instinct. Freud, preoccupied with the obsessive qualities of deranged instinct in neurotic patients, naturally conceived of instinct as a Newtonian force pushing toward immediate gratification, whereas evidence drawn from animals as well as normal human behavior suggests that instinct may also play an inhibitory and regulatory role through the agency of the moral feelings. Freud defined ego in largely negative terms—what id is not—with the consequence that his ego lacks a sense of identity, is derivative, borrows its energies, is nonautonomous, and generally needs strengthening. The Freudian model when considered functionally in the therapeutic context inspires but little confidence.

The lines along which a theory of human nature might be reconstructed are suggested by a survey of post-Freudian psychoanalytic thought, represented mainly by Hartmann, Erikson and Weisman, and of contemporary philosophic thought. The new psychoanalytic theories suggest a movement in the direction of greater ego autonomy; more emphasis on adaptation than on conflict; movement from a world of forces and energies to a world of meanings, development, identity problems in an epigenetic context; and a new emphasis on the significance of reality "acceptances" inseparable from individual identity, together with a growing awareness of the dangers of reductionism, of the fallacy of supposing that neurotic symptoms in the adult can be explained away, are somehow less real than the childhood patterns underlying them. The consensus of the philosophers also points in the direction of rehabilitating the reality status of the world of the senses, of everyday meanings, and of insisting on the arbitrariness of the claim that *mere* appearances are less real than the data of mathematical abstraction.

In the light of this survey, the authors make a number of suggestions. We should recognize that human relations are to be identified by categories other than those of spatiality and aggregation. A character trait is not of the same logical dimension as a physical attribute. Human relations are productive of genuine novel emergents by virtue of what the authors term the "synergistic" character of human structures. For example, basic trust between mother and child cannot be reduced to maternal instinct or infant dependency and may itself subsequently produce new psychic structures such as confidence, friendship, love.

We should emphasize the unity, not the opposition of culture and nature. We should contrast with the logic of attributes of objects the modes of being significant for humans. We should recognize that language and meaning play a crucial role in maintaining neurosis and require the same logical status as instincts or drives. Consciousness should be restored to a central role in thinking about the self. It is a precious gift of nature and vital to current thought about the significance attaching to ego autonomy as well as the therapeutic alliance, all of which presuppose the reality of a measure of human freedom. While instinctual and learned behavior cannot be rigidly separated, there is nevertheless a specific, knowable and instinctive human nature. Any definition of instinct modeled on the hunger drive is too restrictive. Some psychic structures like those of language and sexuality are directly linked to maturation, which the authors wish to call "developmentals." They can be defined in terms of their degree of dependence on experience ranging all the way from hunger to basic trust.

The book is a brave and welcome exposé of the fallacies of scientific materialism; it is important too for its sympathetic insight into the processes of human psychic change. But the authors fail to see that the enterprise of a "science" of man as a basis for successful social engineering is misconceived. Thus, because we are supposed to be doing science—the science of man, based on a revised and scientifically redefined psychoanalysis—we must be seen to be objective, that is to say, value free. The authors however are men and cannot therefore be value free. Accordingly the values, which *qua* scientists they cannot avow explicitly, have to be inferred from the style, the occasional aside, and the basic presuppositions of the scientific aspiration.

Given the denial of the possibility of religiously based rational knowledge of morals, these values turn out to be not surprisingly those of cultured, liberal, academic, middle-aged Americans of the later 20th century. The purpose of man's life is to learn not how to live so much as how to know. We ought, for example, to set out to collect macrocosmic data on total populations, controlled for culture and social class, in order to help us to clarify the puzzle of instinct. Although the theory of knowledge which reduces men to the status of objects is denounced, and although the authors plead that we should not be alienated from instincts that we share with other animals, they have no objection to scientific experiments upon animals. The advance of technology may be disturbing, but we must resign ourselves to the fact that it has its own impetus. "Ours is the age of drugs, X-rays, radiation, and other genetic interventions in man's biological make-up"—the consequences of which, they readily agree, may be uncontrollable, but there is no suggestion that we protest against it. The will to power, as exemplified in the competition of corporation executives, so far from being deplored, is seen simply as a force which shapes history. The Protestant ethic comes in for its usual drubbing, chiefly for its rigorous standards of sexual morality, departure from which has and is entailing immeasurable suffering. War scarcely gets a mention, although a cautious, indirectly expressed sympathy for the protests against the Vietnamese War is sensed.

The authors, themselves feeling the want of any authenticated yardstick of moral value, fall back on the requirements of evolution. But why should we make sacrifices in the interests of evolution, particularly since the authors tell us that history teems with examples of civilizations that failed to satisfy evolution's demands? The real trouble comes, however, when the authors have to define the nature of therapy.

The patient has to be cured. What does that mean? To enable him to be free to face the truth and so live in greater freedom. But what truth? The truth of evolution's requirements? The truth is that for our scientifically hob-

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bled authors there can be and is no truth in the larger crucial metaphysical sense. And this is admitted: "A technology of therapy may be quite useful without regard to its truth; change, not truth, is its objective."

This moral bankruptcy comes near to being erected into a principle: "Indeed, some sciences have abandoned the pursuit of truth in the abstract in favor of pragmatic criteria of predictability. . . ." The authors note that faith in some ideology—Marxism, Christian Science, or even psychoanalysis—may give a man a new lease on life, irrespective of the truth of the faith in question. True—but so would faith in Nazism. Is "ideology" then a matter of indifference to the scientific analyst? Truth sometimes harms patients, they tell us. But who has ever asserted that it is the analyst's or anyone else's duty to force unwelcome truths on people who are not ready to face them?

On the central issue of the book, caution is indicated. My own feeling is that a great deal more evidence would have to be produced before we should conclude that Freud painted an unnecessarily gloomy picture of the strength of instinctual forces that are susceptible of devastatingly harmful development. But we can more readily agree that Freud underestimated the possibilities open to the autonomous ego. Freud's total outlook is unduly pessimistic because he failed to understand the beneficent possibilities inherent in rational religious and ethical conviction, the possibility of which he denied. □

Biological Cages

THE HUMAN ZOO. *By Desmond Morris. McGraw-Hill Book Co. 256 pp. $6.95.*

GEORGE STADE
Mr. Stade is the head of the College English Department at Columbia University. He co-edited Selected Letters of E.E. Cummings *(Harcourt, Brace) and is the author of* Robert Graves *(Columbia University Press).*

Why are human beings as they are, why do they do what they do, what governs their behavior? This is the question that certain recent books in biology, anthropology, ethology, genetics, and zoology have been trying to reanswer. (I am including for the interested reader a list of a number of these books.) In many formulations and for a long time now one answer has had considerable success in saving the data and in stimulating further research. The answer, first offered more than 200 years ago by Giambattista Vico, fleshed out by German sociology, adopted universally by doctrinaire Socialists and liberals, is that man is a historical animal. We are what we essentially are because of when and where we are. We do what we do because our culture teaches us what to do. Our behavior is governed by ideologies, customs, institutions, and these have come into being because of what has happened before. Your situation is you.

Different implications have been drawn from this answer by different people. Some have held that the only freedom lies in action that accords with the drift of history, usually understood as leading inevitably toward something, possibly the end of history, as in the Classless Society, or the City of God. Others emphasized that because man makes himself through history, he is responsible for what he is; and because as a species he alone has this responsibility and because as an individual he is united by this responsibility to all other men, he is obliged to make himself as good, defined in one way or another, as possible. Thus he changes ideologies, institutions and customs by transforming the constituents of his social situation. Good societies make for good men.

The traditional counter answer is that human nature is fixed, and not only fixed but fallen. Men are by nature violent, lustful, self-seeking, rebellious; ideologies, institutions, customs—and not ones imposed by deliberate tinkering, but ones that have evolved through the cumulative experience of the past—are all that prevent a tyranny by those strong enough to arrange things for the gratification of their fallen lusts at the expense of everyone else. We are what we are because of something that antedates history, because of a Fall or because of our generic character; and human societies are what they are because of accidents, mistakes and the institutionalization of experience. But all societies are imperfect and imperfectable, because men are.

At first glance, the answer recently offered by ethologists such as Konrad Lorenz, anthropologists such as Lionel Tiger, zoologists such as Desmond Morris, and many others who have not directly addressed the general reader, seems to be this second one, which is now pretty much the private property of conservatives. No doubt that is why these writers have been as much welcomed by the American public as denounced by the middle, the Left, and the Women's Liberation Front. But let us take another look.

To begin with, neither Morris nor the others insists that human nature is fixed, only that it changes slowly and that it has changed not at all in or through history, that is, since some time after the neolithic revolution. To them, human nature remains prehistoric. For 99 per cent of the time that men have been men they were also tribal hunters, and it took many millions of years of evolution to get them even to that stage. There has not since been enough time for genetic adaptation to the conditions of civilization. Biologically, we are as we were. And as we were, we were more at home with the world than we now are. "The modern human animal is no longer living in conditions natural for his species," says Desmond Morris:

> Under normal conditions, in their natural habitats, wild animals do not mutilate themselves, masturbate, attack their offspring, develop fetishes, suffer from obesity, from homosexual pair-bonds, or commit murder. Among human city-dwellers, needless to say, all of these things occur.

Further:

> The only reason why we are always having the doctrine of original sin instilled into us, in one form or another, is that the artificial conditions of urban civilization keep on working against our biological altruism. . . .

Morris, at least, is with Rousseau, rather than with Burke.

Modern men are not like wild animals, then; that is what our savanna-roaming ancestors were like. Modern men are like animals in a zoo. The human zoo, of course, is civilization. On the one hand, civilization is as it is because of the way human beings are. Ideologies, institutions and customs are products, not causes. The substratum is the gene pool and with it the range of capacities and dispositions programmed into human genes, rather than, say, economics, as in Marxism. Behind all the apparent variations of social behavior from the beginning of history until now and between this culture and that lie a limited number of biologically determined goals and methods of attaining them. Jockeying for status and dominance is universal, and the strategies for maintaining dominance "apply to all leaders, from baboons to modern presidents and vice presidents." So it is with other matters political, social, domestic, artistic, erotic: there are many styles of hair-do, but there is always hair and there are always hair-dos.

On the other hand, there is always a *local* character to the way the limited number of goals and the strategies for attaining them find expression in human social behavior. Societies differ in the amount of opportunity they provide for the attainment of these goals. In all modern societies some genetic capacities dry up from lack of use and some ir-

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resistible dispositions are baffled, diverted, only allowed to express themselves at the expense of other irresistible dispositions. But in some societies the baffling of our animal nature costs more in self-destructive or compensatory behavior than in others.

When the cost to the individual of local ideologies, institutions and customs is greater than their benefit to him, when they appear to have an inhuman character, to have preceded his entrance into the world, and to resist his attempt to make them fit his nature more snugly, we have a condition that might just as well be called biological alienation. And that condition, it strikes me, would be just as bristling with revolutionary implications as the other kind of alienation, were people to believe it existed and were they to find a way of blaming their rulers for it. But is is not clear that any existing revolutionaries, including communards, are much interested in bringing about the kind of society that Desmond Morris and his colleagues would consider gratifying to the human animal.

Nor are the revolutionaries likely to be so interested until Morris and his colleagues make out a better case than, so far, they have. The explanatory power of their model of human nature is weak, to say the least. Morris, for example, argues that all animals have a genetically determined need for a certain level of stimulation from their environments. "When there is too little input from the world around them, they have to contrive ways of increasing it." Zoo animals and men, who have an exceptionally urgent "built-in demand for a high stimulus input," do it in accordance with six principles.

Here is the third: "If stimulation is too weak, you may increase your behavior output *by inventing novel activities.*" It is the operation of this principle that brings into being "the fine arts, philosophy and the pure sciences. These have the great value that they not only effectively combat under-stimulation, but also at the same time make maximum use of man's most spectacular physical property—his gigantic brain. Because of the vast importance these activities have assumed in our civilization, we tend to forget that they are in a sense no more than devices of the Stimulus Struggle."

This explanation is not as good as others we already have. It is not full enough, not finely enough attuned to the data, not sufficiently capable of accounting for variation; and it is without the conceptual hooks we need for attaching it to other bodies of knowledge. Historians, critics, sociologists and psychol-

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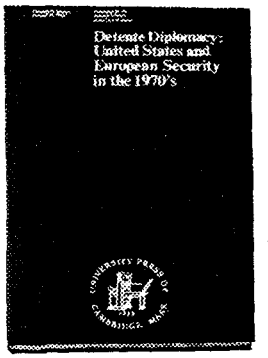

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Published for The Atlantic Council of the United States

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ogists have done better, if not so well as one might hope.

A convincing biological account for the shapes of our institutions may yet come, if not from Morris, who has neither the mind nor the patience for it, from someone else. The account could only be partial, of course: as C.R. Carpenter puts it, "all behavior is the product of a plurality of determinants." Our institutions, like our dreams, are overdetermined; each of them accomplishes a number of things at once, and only some of these things are strictly biological.

But if that account comes, I for one, will welcome it. I would much rather think of behavior as governed by my biology than by history, by my social situation. It would feel good to believe that my actions were ruled by needs at once irreducibly personal and universally human, rather than by needs pressed into me by the contingencies of history, by my position in one of an infinite number of possible societies. And I would have a clearer understanding of what I ought to do to make that society a better one. □

[*At right is the bibliography, prepared by Mr. Stade, of further reading on the subject.*]

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Some Recent Books on the Human Animal

Robert Ardrey. AFRICAN GENESIS. *Atheneum, 1961. $6.95. Delta paperback. $1.95.* First book on this subject to have become a best-seller. Emphasizes man as a territorial carnivore. (Reviewed in *The Nation,* February 24, 1962.)

Robert Ardrey. THE TERRITORIAL IMPERATIVE: A Personal Inquiry into the Animal Origins of Property and Nations. *Atheneum, 1966. $6.95.* The title tells all. (Reviewed in *The Nation,* January 9, 1967.)

Robert Bigelow. THE DAWN WARRIORS. *Atlantic Monthly Press, 1969. $6.95.* Human groups are cooperative centripetally, aggressive centrifugally. Warfare is what made our brains evolve so much so quickly.

John N. Bleibtreu. THE PARABLE OF THE BEAST. *Macmillan, 1968. $6.95. Collier paperback. $1.50.* Interesting data mixed with dubious philosophy. Blurbs by Alan Watts and Marshall McLuhan.

Bernard G. Campbell. HUMAN EVOLUTION: An Introduction to Man's Adaptations. *Aldine, 1966. $8.95.* The best single text on the subject I have come across.

Yehudi A. Cohen, editor. MAN IN ADAPTION. Vol. I: The Biosocial Background. Vol. II: The Cultural Present. *Aldine, 1968. $7.50 ea. Paper $4.95 ea.* Sixty-nine essays, ideal for the student and general reader. These papers will introduce one to most of the important issues in human evolution.

Irven DeVore, editor. PRIMATE BEHAVIOR. *Holt, Rinehart & Winston, 1965. $11.95.* The standard collection of papers on the subject.

Morton Fried, Marvin Harris, Robert Murphy, editors. WAR: The Anthropology of Armed Conflict and Aggression. *Natural History Press, 1968. $6.95. Paper $2.95.* An inconclusive but important collection of papers and discussions from a symposium.

Peter H. Klopfer. HABITATS AND TERRITORIES: A Study of the Use of Space by Animals. *Basic Books, 1969. $3.95.* A concise and lucid introductory essay.

Konrad Lorenz. ON AGGRESSION. *Harcourt, Brace & World, 1963. $5.75.* The evidence from ethology for instinctive human aggression. A dense, thoughtful book, whether right or wrong. (Reviewed in *The Nation,* January 9, 1967.)

M. F. Ashley Montagu, editor. CULTURE: Man's Adaptive Dimension. *Oxford University Press, 1968. $7.50. Paper $2.50.* Nine essays, largely informed by the view that culture is itself adaptive.

Desmond Morris. THE NAKED APE. *McGraw-Hill, 1968. $5.95. Dell paperback. 95c.* For the general reader. The thesis is that human beings are still a kind of carnivorous primate.

John E. Pfeiffer. THE EMERGENCE OF MAN. *Harper & Row, 1969. $10.* Smoothly written and intelligent introduction to evolutionary anthropology, its history, and most interesting recent finding. For the general reader.

Paul Shepard and Daniel McKinley, editors. THE SUBVERSIVE SCIENCE: Essays Toward an Ecology of Man. *Houghton Mifflin, 1969. $8.95. Paper $5.95.* The best collection of papers on human ecology. Thirty-seven selections. (Reviewed in *The Nation,* September 22, 1969.)

Anthony Storr. HUMAN AGGRESSION. *Atheneum, 1968. $5.* Psychoanalytical, but sane, and on the thin side.

Sol Tax, editor. HORIZONS OF ANTHROPOLOGY. *Aldine, 1964. $5.95. Paper $2.95.* Twenty-one interesting essays summarizing new findings and new perspectives.

Lionel Tiger. MEN IN GROUPS. *Random House, 1969. $6.95.* The worst prose imaginable, but an honest-to-God thesis, true or not, genuine learning, plenty of data, useful bibliography. (Reviewed in *The Nation,* September 22, 1969.)

S. L. Washburn and *Phyllis C. Jay.* PERSPECTIVES ON HUMAN EVOLUTION. *Holt, Rinehart & Winston, 1968. Paper $3.95.* Twelve essays by well-known authorities. For the student and teacher. Useful bibliographies.

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Medicine Man

THE DIVIDED SELF. *By R. D. Laing. Pantheon Books. 237 pp. $5.95.*

SELF AND OTHERS. *By R. D. Laing. Pantheon Books. 169 pp. $5.95.*

NORMAN N. HOLLAND

Mr. Holland teaches literature and psychoanalytic psychology at the State University at Buffalo. He is the author of The Dynamics of Literary Response *and* Psychoanalysis and Shakespeare, *as well as other books and articles applying psychoanalysis to literature.*

Do you remember the old-style television commercials in which a man with a stethoscope dangling from his white coat would extol lozenge or laxative or liver pill? The FCC, hardly a moral bastion, put a stop to it. But no such check exists in the world of ideas, and the decades have treated us to a series of medicos who use psychoanalysis or quasi-psychoanalysis to turn guru. Jung and Adler set the pattern, but one could mention Fromm, Reich, Rank, May, Frankl, Binswanger and many others. Mostly, the commercial tries to salvage some kind of religion; occasionally, it makes a political pitch. R.D. Laing is but the latest such medicine man, and his nostrum combines a bit of mysticism with a touch of Marx in an engagingly anti-military, anti-imperialist program one can hardly disagree with. But one can't derive it from schizophrenia, either, even with Laing's marvelous eloquence and sensitivity.

Brevity risks caricature, but let me try to state Laing very briefly indeed, for I think his ideas bring up other, more important problems. The Others (family, society), says Laing, drive the schizophrenic mad when they devalue his real self, typically because that self has special insights into their hypocrisies. They insist he present the world with a compliant "false self," but thus split, he can sustain neither identity nor sanity. With the right kind of treatment, however, from a therapist who will accept the "wholeness of being human" and reject "egoic" boundaries of me-you, inner-outer, and, in general, the usual notions of space and time, the schizophrenic may find his illness a "healing experience," a "liberation and renewal," from "our own appalling state of alienation called normality."

Frankly, I think that to anyone who has loved a schizophrenic, suffered with or through one, or who has even walked through a chronic ward, this is cruel and vicious nonsense, but, I suppose, I may be doing Laing an injustice. He has aided some people, and nobody working with schizophrenics can claim more, for cures are sporadic, unpredictable and not understood. Laing, however, claims much more: a total understanding of the origins of the disease and its benefits as a psychedelic experience.

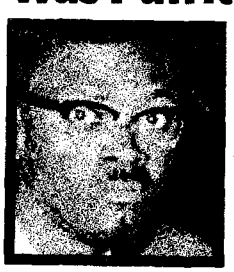
Anyone proposing to take Laing seriously ought to read, I think, the careful analysis of the strengths and weaknesses of Laing's position by Siegler and Osmond in *The British Journal of Psychiatry*, reprinted over here in *Psychiatry and Social Science Review*. Even without homework, though, one can justly doubt any account of the disease that neglects the genetic and chemical factors obviously present or, much more irresponsibly, the agony, nightmare and even suicide so many victims suffer. Less mesmeric workers like Searles or Bion, to name but two, will do more in the long run for the schizophrenic than Laing's existential flights of fancy which make more of an invitation to schizophrenia than a cure for it.

I am prepared to take Laing seriously as a dedicated therapist, but when he turns ontologist, he poses quite another set of questions, those of a metaphysic or a poetry. Why does his Mary Baker Eddy stance appeal? Why, at this troubled moment, does a writer on schizophrenia become a general seer? Why, for example, have my graduate students (in English, naturally) taken most seriously for three or four years now this psychiatric writer little heeded and very often (like Norman O. Brown some years earlier) not even heard of by professionals? Laing is evidently saying something the student generation wants to hear. What is it, and why do they want it?

At its most basic, psychoanalysis observes that human beings do not shed their childhood. Children develop in stages, oral, anal, phallic, and so on, and adults continue, to a lesser degree, these infantile patterns, either because they are fixated to them ("never grew up") or because they regress to them, sometimes in a creative way, sometimes pathologically, and sometimes in a normal process, as in adolescence.

Consider, as an adult type, the "phallic character," "most frequently found among athletes, aviators, soldiers, and engineers" (Wilhelm Reich). Such a person behaves as though his total self were his penis; any act of body or mind

Was Patrice Lumumba murdered?



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LUMUMBA

THE LAST 50 DAYS

BY G. HEINZ & H. DONNAY

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takes on the pleasure (and fear) associated with phallic intrusions. He will aim through computers, rockets, bombs, the trappings of office or even foreign policy to aggrandize and secure this phallic self, for he sees relationships in terms of dominance and submission. Should he feel attacked (even as far away as Vietnam), he fears he would be forced into helplessness, castrated, raped or feminized.

The phallic personality is only too happy to be on the winning side of the distinctions, so threatening to him, between woman and man, black and white, weak and powerful, poor and rich, circumcised and uncircumcised. In literature, one sees this type most clearly in Hemingway; in Pop culture, John Wayne is chief totem pole.

Consider another psycho-sexual stage: the first and most primitive, the oral, in which the infant still perceives his helpless self and his nurturing mother as a symbiotic unit, not as separate identities; in which the infant's sense of reality ebbs and flows as easily as his sense of self. He still hallucinates gratifications, projecting the bad, introjecting the good, responding to the world with tantrums of anger and ecstasies of love.

Orality is good, Laing is saying, and that is what youth wants to hear. Oral traits permeate youth culture: the deliberate blurring of the boundaries of self through hallucinogens, groupsex, unisex, and commune; the verbal blurring of distinctions in speech, among them the revolutionary violence of mouth and bullhorn; the feeling of a timeless "Now" filled with joys out of one's own mind; the re-creation in new social settings of love-hate encounters with parent-substitutes perceived as "power" (the strike as tantrum); the narcissistic belief in oneself and one's mates as unaggressive and perfectible; the masochistic joy when others (cf., *Easy Rider*) prove by their distrust and anger their contrasting fallibility.

Only a few days ago I heard Jerry Rubin shout about the baby in him, the wonderful, innocent baby buried by schools and all the other social prisons and how he wants to get that baby — which is in everybody—out. Inevitably, one remembers Wordsworth's "six years' Darling of a pigmy size," "Thou best Philosopher," "Mighty Prophet! Seer blest!"; or the Transcendentalists, ether-sniffing their way to the purities of childhood; or, indeed, Laing himself: "Each child is a new being, a potential prophet, a new spiritual prince. . . . " Clearly, this is not just Spockism or even American permissiveness. Anywhere from Tokyo to Mexico City, the same youth culture turns up, orality and all. (My favorite of the slogans I saw scratched on the Sorbonne was, *Sozialisiert das Wimpy!*)

Why is this youth culture much the same everywhere? McLuhan, though a bit oracular, I think, has it essentially right: technology, notably transportation and the media, has changed utterly the idea of growing up, that is, "acquiring a sense of reality." "Reality" until a few decades ago meant space and time—delay—but technology hooks us all to instant gratifications, the eternal NOW! of the oral child. The young grew up in this NOW, adults did not, and hence a worldwide youth culture faces varying styles of adult opposition.

Nowhere does this confrontation promise to be more painful than in America, where our traditional culture is so predominantly phallic. In *Sometimes a Great Notion* Ken Kesey defines the battle when he pits the oral phenotype against the phallic (and which you think is hero, which anti-hero, is your own inner generational battle). American adults will feel more strongly than most that regression to passive oral pleasures is criminal (remember Prohibition?). Americans will be more frightened of blurring the line between male and female (why cops beat kids with long hair). And Americans will be more tempted to resort to the classic phallic defense of a "hard line" (the pun, alas, being all too real).

Obviously, space limits me to instant psychosociology, diagnosing whole societies as though they were individuals, but it gets us to the essential point about Laing very briskly. He is not important for what he says so much as for who listens. He speaks for the blurrings of youth culture, as in the kind of paradox he loves: "A little girl of seventeen in a mental hospital told me she was terrified because the Atom Bomb was inside her. That is a delusion. The statesmen of the world who boast and threaten that they have Doomsday weapons are far more dangerous, and far more estranged from 'reality.' . . . " If we put the moral issue aside, the psychological line stands out sharply: the statesmen are acting phallicly, the girl orally.

Laing, speaking to his oral admirers, wants to blur the boundary out of existence, while an Agnew, say, speaking for *his* phallic constituency, wants to make it a Maginot line. Neither guides us any more truly than a TV commercial, but Laing is the guru at issue here. Dr. Laing may help his particular patients, but Preacher Laing offers only total immersion in already troubled waters. □

MUSIC

DAVID HAMILTON

Whatever the questions raised by the Juilliard American Opera Center's performances of Stravinsky's *The Rake's Progress,* which opened the new Juilliard Theater on April 23, it provided an all-too-rare opportunity to hear one of the 20th century's indubitable masterpieces of musical theatre. Except for two inadequate performances by the Hamburg Opera in the summer of 1968, grotesquely unsuited to the vast spaces of the Metropolitan Opera House, this work has not been heard in New York since 1954, although more adventurous companies in Boston and Santa Fe have staged interesting versions, and Ingmar Bergman's unforgettable production was visible in Montreal during the Stockholm Opera's visit to Expo '68.

One of the difficulties that the *Rake* encountered when first performed in New York was that the operatic audience (and to some extent the reviewers as well) was so far out of touch with contemporary musical developments that the neo-classic idiom of libretto and score apparently came as a rude shock —although that idiom had already been part and parcel of Stravinsky's (and subsequently, of many other composers') music for something like three decades. There was much talk of stylistic imitation, and even dark hints of plagiarism: not merely an inability to see the forest for the trees but a concentration on the presence of a few strikingly familiar leaves. The distance of some seventeen years, and a wider consciousness of the stylistic period in 20th-century music that the *Rake* epitomizes and climaxes, should by now have made it possible to perceive Stravinsky's extraordinary finesse in operating with the entire range of operatic conventions and gestures, to see that within the chosen dramatic framework he has created, through his juxtapositions and rearrangements, his splicings and layerings, a wholly new—and uniquely modern—kind of musical texture. It is not a perfect opera—but then, what is? Both text and music are full of wit, elegance and charm, and the last two scenes are among the most moving of musico-dramatic experiences.

The Juilliard production should have put to rest a couple of other myths about the *Rake,* but I'm not sure it did. First, that the music is unvocal: the young singers, especially those of the first-night cast, sang with great address and technical skill, showing that Anne's high C at the end of the first act is

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not the only thing in the score that is "grateful" in a traditional sense, if not in a traditional way. Second, they demonstrated that it is perfectly possible to make the words audible, that Stravinsky's unconventional—but musically vitalizing—prosody does not impede comprehension. Except for some occasions when the singers were drowned out by the orchestra, by far the greater number of the words were audible. (Since I know the opera rather well, I checked this observation with several persons at the first two performances, including some who had not heard it before.) This consistent clarity of diction was perhaps the single most admirable feature of this production.

However, the question of the orchestra drowning out the singers is no minor one and, especially from inhabitants of the balcony, I heard frequent comments that this was a problem in the new theatre. Since I am tired of reviewing acoustics, let me content myself by expressing a fervent hope that whatever problems emerge in the new house can be worked out. A handsomely decorated, pleasantly intimate auditorium, seating 933, the Juilliard Theater is a much needed addition to New York's musico-theatrical facilities, as I have observed on other occasions; unfortunately, serious union problems apparently remain to be solved if it is to be made available for extracurricular purposes.

When it comes to the qualities of the American Opera Center's production, the reviewer is somewhat at a loss to know exactly whom he is reviewing: students or professionals. Various public statements have suggested that the Center is some sort of high-level opera workshop, but its members have already been asked to undertake the strikingly unworkshoppy task of singing Beethoven's *Fidelio* with the New York Philharmonic. And for the *Rake* there was a "star" conductor, Erich Leinsdorf; sets by Ming Cho Lee, costumes by José Varona, and a production "devised and directed" by Tito Capobianco—all of them regular contributors to the professional performances at the New York City Opera across the plaza (at least one lead singer in the first cast can be heard in major parts with the same City Opera).

No doubt it was felt necessary to inaugurate the new theatre with something special, but all this carries more than a suggestion that Juilliard is trapped on the Lincoln Center treadmill—forced to make a big splash of visual glamour and publicity in order to remain solvent. Certainly, unless arrangements can be made for the theatre to produce rental income, it represents an enormous investment in plant that a financially hard-pressed educational institution can ill afford; that its major occupant should be an operation geared to lavish spending on physical trappings seems even more unwise. One hopes that this ominous diagnosis proves incorrect, but there are precious few precedents for happy endings in the neighborhood of Broadway and 65 Street. In the meantime, despite the tiresomely fussy detail of Capobianco's production, the inappropriate artiness of the sets, and the sometimes soggy tempos chosen by Leinsdorf, there was a good deal of pleasure to be had from this *Rake*. □

DANCE

NANCY GOLDNER

A few years ago a popular magazine ran a story about Charles de Gaulle, in which he expressed a preference for Lyndon Johnson's personality to that of John Kennedy. Kennedy was too urbane for his American britches, while the big Texan was all-American corny, unsophisticated, rough-hewn. Kennedy, who was witty and had heard of culture (European, that is), was quasi-American, less authentic than Johnson. The eminent Frenchman was taking toward America an attitude that went out of style decades ago and, for which there was probably little justification at any time. Or do Europeans still affirm their belief in mythic America, in those aspects of American life and culture that are distinctly non-European?

As a case in point, Europe has latched on to the Alvin Ailey American Dance Theater, which is a black dance company in spirit (there are a few whites in the group) that specializes in a dance style commonly called jazz. The company's repertory is diverse, but the ballets that it performs best and the ones it has come to be identified with are definitely jazz and are, in fact, about black people. Until quite recently the Alvin Ailey company was almost unknown in this country, but it has been an enormous success in Europe, especially in Paris. It is true that there is a lot of modern dance here and little that is indigenous to Europe, so that it has been easier for American modern dancers and choreographers to earn a living in Europe. But the Ailey company is something of a hero over there, and I suspect that is because, with its blackness and jazziness, it conforms to what Europeans think is American. I also suspect that,

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like de Gaulle, many Europeans are not so much interested in America as they are in things that are typically American.

The Ailey company has now developed a following in New York also, partly because it has been given extensive exposure as a resident company of the Brooklyn Academy of Music, and partly because we have become interested in black culture through the black political movement that seeks to dissociate itself from mainstream, white America. In a sense, audiences at the Ailey performances in Brooklyn are discovering the special, different America that the Europeans have long adored. The Ailey company is "in." By no coincidence, many of the Ailey ballets are in also. In *Quintet,* to the songs of Laura Nyro, five girls in slithery dresses half imitate and half parody the glibly sophisticated rock 'n' roll group, the Supremes. Yet that sexual cool, that stance that says you can't put anything over on me, baby, which is parodied in *Quintet,* becomes one of the basic attitudes in many other ballets,. It is celebrated in *Blues Suite,* where the dancers strut and swing their backsides with a knowingness that suggests that they have cornered the sex market. This smug wisdom and know-how also crop up in *Masekela Language,* but in the form of confrontation. The dancers slump in chairs that are lined up across the front of the stage and stare at the audience. They seem to be challenging us to enter into their world. This confrontation, like the word itself, has become a cliché. Worse is the fact that the dancers do not challenge with their poverty—which is the important point, politically speaking—or even with their despair; they seem to be asking us to acknowledge their good looks, their physical prowess, their cockiness.

In a broad sense, the Ailey company is a major exponent of the "black is beautiful" attitude. The slogan may be valid in a psycho-socio-political sense, although its meaning has become diluted in the hands of beauty parlors and clothes manufacturers. When it is put onto the ballet stage, however, it becomes obnoxious. The self-consciousness and pride that are implicit in the statement are already intrinsic to dancing. Dancing that exaggerates those qualities becomes unbearably posey and significantly lacking in spontaneous, natural grace. The Ailey dancers tend to be stridently gorgeous and shiny, like vinyl. The men, especially, flex and strain their muscles when the dance movements do not require such muscular force, and inject tension into the most simple of steps. The atmosphere is at once forcibly charged—you'd think every ballet was a *West Side Story*—and defiantly cool. In short, the style is a myth that many whites have imposed on blacks, that the Ailey company is unfortunately perpetuating, and that many blacks and whites in the audience are apparently gobbling up.

The kind of performance one sees at the Ailey company is abetted by the choreography. There is only one "black ballet" (*Revelations*) that is choreographically honest, perhaps because spirituals, to which it is set, are honest. Other of Ailey's ballets, as well as several that Talley Beatty has done for the company, use the pseudo-dance form, jazz. It has a limited vocabulary as to actual steps and a yet more limited look and feel. It consists of small, throwaway steps (something like a mambo) with an occasional high kick, sudden contraction in the stomach, out-thrown arm, or quick change in direction—by now, all stereotyped attempts at dramatic movement. The style has been used successfully in "contemporary" Broadway musicals, but mostly on television. There is nothing especially black about it. It requires an agility and tension that have come to connote an American way of moving (I suppose because of our fast city life and the tensions in the ghettos), when it is simply a convention of show business, and a poor one at that. It also requires little dance technique, which is why the Ailey dancers are unsteady in the more balletic of their works. On the dance stage, the jazz style is boring, forcing the dancers to overcompensate for weak material. Like the "black is beautiful" credo, it is strident because it overplays qualities—such as mobility and muscularity—that are already basic to dance. When the style and ideology come together, as in the Ailey company, performances are embarrassingly self-conscious.

Even if blackness were Americanness, the Ailey company is really no more American than any other company. Its large number of black dancers and its consistent use of jazz music and spirituals make it unusual, but many of its works have gone the way of black commercialism. In terms of dance, its jazz style is less characteristic of black culture than television culture. The works that are modern dance rather than jazz are incredibly old-fashioned; they smack of the interpretive style that Martha Graham did away with fifty years ago. When the Europeans, and now the Americans, see the Ailey group, they are watching clichés of dance, of the black race and of America. □

THEATRE

HAROLD CLURMAN

Company is sharp. The new musical with book by George Furth, music and lyrics by Stephen Sondheim (at the Alvin) is the most expertly realized show of the season. Its theme is modern metropolitan marriage. A bachelor of 35 is the concern of his many married friends: his bachelorhood worries them. He too is worried about it. From scene to scene he visits each of them. Their marriages (in some cases their divorces) all betray the wear and tear of the moneyed business establishment in which they live. Homes all seem made of plexiglass; the people reflect their environment. They all seem to be childless.

The meaning of the show—if it has real meaning beyond its entertainment values—is not in its comment on marriage. (One should not get uptight about its content.) What comes through is a vision of New York now. Here it is a city of brass, of cubicles, of elevated empty spaces in which its inhabitants bustle about as if sprung on electric vibrators, mechanically efficient and humanly inadequate. It is all glittering surface and inner emaciation. (An English visitor on his first trip to New York, observing the constant repair of streets, asked me, "Why are they forever tearing up the roads?" "It's sheer nervousness," I answered.) Money is heedlessly expended, but the prevalent jostling and jangling does not nourish the spirit. There is much fun and laughter but not much enjoyment and very little mind. It is a city without memory.

One may complain of heartlessness in this picture, but that is the show's subject. And its brilliance consists in the ability of director Harold Prince and his collaborators to translate toughness into a splendidly gleaming, swinging, unified stage spectacle, which is what Broadway theatregoers know and resemble.

Every element works. Boris Aronson's steely structure with its artfully arhythmic arrangement of perpendiculars and transverses, its ever changing projections, are not illustrations but abstract designs which convey the shattering diversity of the city's chaos, forming an ingratiating pattern only when viewed at some distance. The setting constitutes not only a machine for the actors' movement but the unmistakable image of the show's "message."

There are only fourteen players, and no chorus, yet one gets an impression of multitudes. The swinging, dancing and acting cast is virtually perfect. Dean

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Jones as the anti-hero bachelor looks just right: one accepts him as a nice guy, which in the context is extremely important. In fact, one of the chief merits of the casting is that the entire company radiates a decency which saves those they impersonate from moral blame.

Elaine Stritch as the most hard-shelled of the dames is superbly authoritative. She is able to suggest real thinking and sentience behind the barbs of her cynicism. Her delivery of the toast, "Here's to the ladies who lunch, Sitting on their caftans and planning a brunch . . ." is masterly.

Barbara Barrie is charming as a wife proficient at karate—and charm is not easy to achieve in this charmless milieu. Susan Browning, with the odd wisdom which honest nitwits sometimes possess, does a scene as an airline hostess who goes to bed with the bachelor that is endearingly sexy—which cannot be said for the publicized eroticism now become commonplace on stage and screen. Miss Browning is comely, witty and disarmingly companionable. Two other girls, Pamela Myers and Donna McKechnie, delightfully join her in "Another hundred people just got off the train, And come up through the ground, While another hundred people just got off the bus, And are looking around. . . . It's a city of strangers."

There is, most notably and catchily, a sophisticated brusqueness in George Furth's book and Stephen Sondheim's lyrics—better than any I have heard in a long time.

I am in the unhappy position of having to say that I was neither bored nor aroused by *Inquest* (The Music Box). It is a "tale of political terror" by Donald Freed based on *Invitation to an Inquest* by Walter and Miriam Schneir. This is a broadly documented tract about Ethel and Julius Rosenberg.

Was the "cool" with which I watched the performance the attitude Brecht recommended as desirable in appreciating his plays? Not at all. For all his didacticism, Brecht's effect is conceptual and aesthetic. His factuality is not a matter of fact. *Inquest* isn't inflammatory in the manner of *Waiting for Lefty*, nor yet is it as absorbing as *In the Matter of J. Robert Oppenheimer*.

I do not resist propaganda in the theatre; indeed, despite any theoretical prejudice against it, I am often excited by it. I think it a pity as well as a symptom that since the fifties the stage has been so little employed as a forum.

I know comparatively little about the Rosenbergs. I prefer to believe them to have been innocent, as *Inquest* is designed to persuade us, and if they were

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guilty I believe that putting them to death was a crime. (Though not a pacifist, I am opposed to capital punishment under any circumstances.) I am also fully aware of the public hysteria and ignorance in the years of the cold war which had much to do with the dispatch with which the Rosenbergs were executed. Why then was I unmoved?

Three factors conspired to this puzzling effect. Though most of the dialogue was direct quotation from the actual testimony of the judicial proceedings, there are several "reconstructions" (suppositions, inferences or inventions) which are fragmentary and poorly written. They induce skepticism.

Second, apart from their immediate situation, neither the Rosenbergs, nor anyone else (with one exception) was rendered as intellectually interesting or as substantially sympathetic. Either they themselves were dull or the direction of the actors who played them had made them so.

The latter contributed to the third detrimental effect. Michael Lipton as Judge Kaufman, for instance, was made to behave icily and conventionally villainous as others were made too incredibly stupid. I ended not only not believing but hardly caring.

Anne Jackson as Ethel Rosenberg is admirably subdued and truthful in detail, but is barely permitted to achieve any semblance of profound pathos. George Grizzard nicely suggests that harassed bewilderment of a commonplace person. James Whitmore in the role of the defense attorney, Emanual Bloch, creates, as far as the text allows, a rounded personality, that of an honorably humane though by no means brilliant lawyer. He has a wonderful face for it. Alan Schneider's direction is deliberately unemphatic but its forbearance eliminates more than it supplies.

When Sandy Wilson's *The Boy Friend* was first given on Broadway I was foolishly under the impression that it was kidding the American musical comedies of the twenties, which I recalled as very good. It occurred to me after my review appeared that it was the English musicals which Wilson was poking fun at—and I can well believe that he was right in doing so. Still I am, to this day, not partial to pastiches—even the better ones.

On seeing the revival here with likable Judy Carne as the ineffable Polly (Ambassador Theatre) I was struck by the fact that its tunes are much more engaging than most of the sonorities we have been subjected to for some years now on the musical stage. Even Sondheim's music in *Company,* while it serves his lyrics well, has no clearly marked character of its own. Wilson's pale pink, faintly fragrant ditties do. My favorite is not the hit number *I Could Be Happy With You* but the cutely jiggling *It's Never Too Late to Fall in Love.*

Sandy Duncan is the darling of the show. Everything she does is captivating in its dotty exuberance, which arises as much from faith and pleasure in her skill as from nature.

The only asset I found in *Park,* an intimate musical by Paul Cherry and Lance Mulcahy (John Golden Theatre) was Joan Hackett's serious humor, her directly attractive womanhood, and a comedy sense which is an aspect of inner brightness.

What is further to be pondered (and deplored) in the production of nearly all musicals is that nowadays the public address system, with mikes strewn all over the stage, substitutes for real voices and clear speech. There was a time when players could actually sing and what they sang and spoke about was not a matter of guesswork. □

NEW JERSEY *(Continued from page 563)*

mayor of New York. In a letter to Lacey dated March 17, AID informed him of the impending attack, protesting at the same time that Rarick's views "do not *necessarily* (italics added) reflect the views or opinions of AID on the national or local level." The letter promised Lacey that he would be asked to speak at a later meeting, and added: "This affair is not to be interpreted as an attack on your integrity or to demean and/or malign you or your families [*sic*] character in any way whatsoever; by any or all Americans of Italian Descent, or Americans of Italian Descent, Inc."

Anyway you untangle that tortured syntax, it adds up to a denial that AID was doing what patently it was attempting to do. Not all Italian Americans were pleased by the prospect of Rarick's visit. Ralph Salerno, an expert on the Mafia and the structure of the American underworld, a man who is as proud of his Italian descent as he is filled with disgust and hate for Mafia gangsters, shot off a protest in which he declared that AID had better not pretend it was speaking for *him.* An attack so blatant, Salerno reasoned, could have no purpose except to warn any prosecutor who attempted to interfere with the multi-billion-dollar activities of the American underworld that he could expect to be knifed.

Perhaps as a result of such protests (Rarick grumbled about the efforts that had been made to keep him from speaking) or perhaps from the realization that he was not under the cloak of Congressional immunity, Rarick was less fiery than usual at North Brunswick. He did not raise the charge that young Lacey was a Communist; he contented himself with saying that he had been "linked to" the Progressive Labor Party in Louisiana. He did not repeat his insinuation that Lacey's anti-crime crusade was part of a leftist plot, although he did suggest that Lacey's resignation was "called for." Wandering off into generalizations, always the last refuge of the demagogue, he thundered that "everything decent about America is under attack," and suggested that if "they" didn't like things here, "they" should take the first boat to Moscow (a difficult navigational feat). He didn't identify the "they," but probably no one expected that he would.

There, for the moment, the issue rests. Frederick B. Lacey's drive against organized crime still goes on, with federal grand juries under his supervision turning out more indictments; and the whispering campaign against him—mounted by a bizarre combination of the radical Right, super-sensitive Italians and the mob—still goes on. The persistence of the effort to undercut the best prosecutor New Jersey has enjoyed in decades raises a serious question. Is the power of organized crime in America now so great that any man who tries to stand up to it must expect to become the victim of threats, lies and vilification? □

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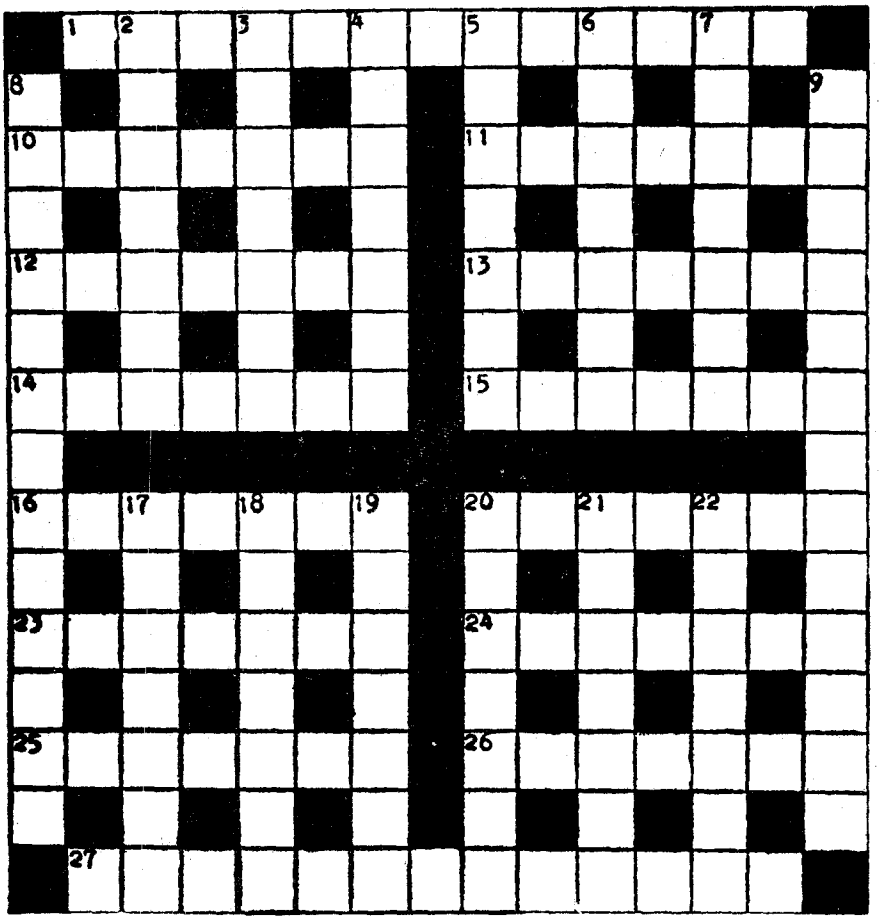

ACROSS

1 Found out how much farther the tires could go? One travels with it slowly and carefully. (8,5)
10 So delighted with solitaire? (7)
11 Is a particular state of mind a form of distemper? (7)
12 They jump on board in a rather peculiar way. (7)
13 Colloquially your "thing" in this place could be a plant. (7)
14 Puzzle, but definitely not in addition! (7)
15 The agreeable type probably don't. (7)
16 The theme of an English book, perhaps —under a sovereign. (7)
20 The boat's propeller, possibly. (7)
23 We, at our condition, last longer. (7)
24 Such achievements imply a favorable disposition in certain amphibia. (7)
25 Promote a student of French getting around at the breakdown. (7)
26 Enduring quality. (7)
27 It might control the shape of what the supercilious bring up. (7,6)

DOWN

2 One might have a number of impressions with it. (7)
3 Carried by one in Shakespeare's second age. (7)
4 Gives part again, and makes another throw of the dice. (7)
5 Tents might be commonly left behind. (7)
6 Possibly upgrades a few things the speaker might make. (7)
7 Proving a girl in time could be mean. (7)
8 What choosey types do and push a number exemplifying basic groundwork. (4,3,6)
9 When one might give heart to others, it could suggest a massacre. (10,3)
17 Where wines and liquors could be kept, for something like a real spread! (7)
18 One is young and innocent when I, like a jewel, am bathed therein. (3,4)
19 One of those damned things of Farragut! (7)
20 A flower does, but so does the first one to work! (5,2)
21 Air stop, possibly. (7)
22 If dry, drink! (7)

SOLUTION TO PUZZLE NO. 1344

ACROSS: 1 and 15 Mind your own business; 9 and 10 Partridge; 11 Ends; 12 Legions; 13 Styptic; 16 Yapped; 18 Scenic; 21 Governor; 24 Refills; 26 Snicker; 29 Schwa; 30 Iced; 31 Wagon wheels. DOWN: 2 Intuition; 3 Derange; 4 Odds; 5 Reentry; 6 Whelp; 7 Gateau; 8 Admire; 14 Usage; 17 Parochial; 19 Cretin; 20 and 28 Calls to mind; 22 Vintage; 23 Opener; 25 India; 27 Show.

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